



Smugglers and Patriots

*Boston Merchants and the Advent
of the American Revolution*



John W. Tyler

New foreword by William M. Fowler, Jr.

SMUGGLERS
& *Patriots*

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of the American Revolution*

John W. Tyler

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For my parents

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Foreword to the Humanities Open Book Edition



“**A**ll history,” noted the eminent philosopher Benedetto Croce, “is contemporary.” Croce’s astute observation summons each new generation of historians peering through their own lens to seek new evidence, review, reflect, and, if necessary, revise the work of their predecessors. Nearly three decades ago John Tyler took up this noble pursuit to reexamine the role of Boston merchants in the tumultuous years leading to the American Revolution. Tyler’s goal was not to “debunk” those scholars who had come before, but rather to discern the greater complexities and motivations of the Boston merchants who helped make a revolution.

Working within a complex web of laws and regulations, Boston’s merchants were of a varied sort, trading to England, the continent, coastwise, and to the West Indies. In this mercantilist world Boston faced a special challenge—she lacked a hinterland from which to draw exports. In their search to find ways to balance their trade, Bostonians engaged in a complex maritime dance that often took them on illegal ventures beyond the legal bounds of the empire. In short, they smuggled. In the years before 1760, laxly enforced laws and corrupt customs officers made

detection and prosecution unlikely. Indeed, Boston's scofflaws took so little care to conceal their activities that they openly purchased insurance that would protect them, should they be caught. Using these policy documents, a rarely consulted resource, Tyler reveals a tangled and vibrant network of merchants/smugglers who flaunted imperial laws and regulations.

The merchants' miscreant behavior was not unknown in London. Royal Governors and other officials had made frequent complaints; nonetheless, in a world of "salutary neglect" little was done. Not so, however, after 1763, when the need to pay off a huge national debt required colonial revenue. In a relentless quest for money, a series of ministries cast a gimlet eye across the Atlantic. Beginning this story with the tale of Benjamin Barons, one of a swarm of corrupt customs officials in Boston, Tyler draws us immediately into the maelstrom of local politics. He introduces us to a cast of characters ranging widely from the vacillating popinjay John Hancock to the arch conspirator Samuel Adams and to John Rowe, a careful, cagy merchant.

As ministries, increasingly desperate for revenue, sought to tighten the noose in Boston, deception turned to defiance. Nonimportation, virulent newspaper attacks, raucous town meetings, and street riots rocked the community. Not all the merchants stood together in harmony. By means of an extraordinary analysis of more than 400 merchants, Tyler probes possible causal factors explaining the split, such as age, wealth, religion, and business. All, he concludes, have relevance, but smuggling was a common enterprise linking those who eventually followed the path to independence.

Smuggling was not simply a clandestine activity, conducted on moonless nights at remote landing places where silent sailors with muffled oars landed contraband cargo—it was an economic necessity. In an increasingly growing and complex web of Atlantic exchange, imperial restrictions limited trade and wrought harm to merchants. Ignoring colonial objections, ill-informed ministries pushed hard on an agenda of raising revenue, causing rivulets of resistance to merge into a torrent of

opposition hurtling towards Revolution. Simple deception became active defiance; at the center were the smugglers who became patriots.

Finely written and well researched, Tyler's narrative recounts a not uncommon story of revolution—a small group of well-led and determined activists standing against an incompetent regime manage to rally public support and overthrow the standing order.

William M. Fowler, Jr.
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Acknowledgments



One of the best reasons for doing research in Massachusetts history is the pleasure of working in Boston's unrivaled collection of libraries and archives. My travels have led me to nearly all of them: the Baker Library at Harvard Business School; the Boston Athenaeum; the Boston Public Library; the Bostonian Society; Harvard University's Houghton Library; the Massachusetts State Archives; the New England Historic Genealogical Society; the Office of the Collector, U.S. Customs Service; and the Social Law Library of the Supreme Judicial Court, Suffolk County Court House. Most of my inquiries took me to the Boston Athenaeum where I did most of my reading in contemporary newspapers; Houghton Library, which owns the much-consulted Sparks Manuscripts; and the Massachusetts Historical Society, which holds the lion's share of the surviving personal correspondence of eighteenth-century Bostonians. All are superb places in which to work, and their staffs are knowledgeable, courteous, and cooperative. I should, however, single out for special thanks the help of Elva Bogert, Molly Collingwood, Aimee Bligh, Winnifred Collins, and Peter Drummey at the Massachusetts His-

torical Society and the assistance of Rachel Stuhlman, Cynthia English, and Stephen Nonack at the Boston Athenaeum. Quotations from manuscript sources appear by permission of the American Antiquarian Society; the Baker and Houghton Libraries, Harvard University; the Boston Public Library; the Massachusetts Historical Society; the New England Historic Genealogical Society; and the New York Public Library.

Historical research has become an increasingly expensive proposition in recent years. I am grateful for the fellowship aid I have received from Princeton University and would like especially to thank the headmaster and trustees of Groton School, who awarded me a generous grant from the Dillon Fund for faculty scholarship and research.

My intellectual debts are even larger. Edward Sloan of Trinity College will recognize many of his ideas in these pages. In John Murrin at Princeton I found the adviser every graduate student hopes for, but too few encounter. While maintaining a watchful oversight of my research, he always left me free to develop my own ideas. Charles Akers, Fred Carstensen, William Fowler, Douglas Greenberg, Stanley Katz, Alan Kullikoff, Gary Nash, and Richard Ryerson read and commented on various parts of the manuscript, and I am confident that it is a much better book for their advice.

The manuscript has also profited from the deft editorial hand of my colleague, Peter Camp, who has saved me from a number of embarrassing grammatical errors.

Groton, Massachusetts
October 1984

SMUGGLERS
& *Patriots*

Introduction



Someone once waggishly suggested that there are more American historians at work in the 1980s than there are days in American history; therefore the most efficient use of such a wealth of historical talent would be simply to assign each historian a specific day to investigate and then compile the results in a vast but infallibly complete chronicle of American history. Of all the episodes in American history, the events in Boston leading up to the outbreak of the American Revolution may come closest to having been studied with that kind of intensive scrutiny. The Boston Massacre, the Tea Party, the Stamp Act riots are all a familiar part of the iconology of American history; indeed, John Hancock and Sam Adams seem so familiar to us that we wonder if anything new can be said about them.

The Revolution in Massachusetts has been the focus of so much attention that historians of other times and places are often jealous of the notice Boston receives; yet Boston's story during the Revolution is innately important, and no part of its history is of greater consequence than the reaction of the town's merchants to changing British commercial policies during the decade and a half

that preceded Lexington and Concord. Boston merchants were among the first to petition for revisions in the Acts of Trade; the rioting that broke out in response to the new taxes spread southward from Boston to the other seaport towns; Massachusetts delegates to the Continental Congresses were the radical vanguard whose ideas made patriots from other states look moderate by comparison; late in the prerevolutionary period, the Boston committee of correspondence spurred on neighboring Massachusetts towns to greater revolutionary fervor whenever patriot enthusiasm began to wane. In an age when deference to wealth and status was almost automatic, merchants routinely dominated such committees, just as they did the deliberations of the town meeting, where they were perhaps the largest single occupational group, constituting nearly a third of the town's authorized voters.

Boston merchants have been studied before by two of the most accomplished American historians, Arthur Schlesinger, Sr., and Charles MacLean Andrews. Schlesinger's *Colonial Merchants and the American Revolution*, first published in 1918, still shapes the way many historians regard the Revolution. According to Schlesinger and Andrews, the Revolution had its origin in first lord of the treasury George Grenville's search to find a source of revenue to offset the heavy costs of colonial administration following the end of the Seven Years' War. Why shouldn't the colonial merchants, who seemed to profit so greatly from the benefits of empire, shoulder some of these costs in the form of new parliamentary taxes? The colonists, however, who had slumbered long years in a condition of "salutary neglect," adamantly resisted the change. Schlesinger's interpretation maintains that this elite group of merchants, whose purses were pinched by the altered tax policies, then proceeded to rouse the dormant masses of the urban poor to nullify the new parliamentary legislation through popular violence. Having once been conjured up, however, the specter of the mob simply refused to disappear, and the patrician elite found itself at the head of a revolutionary impulse it was powerless to control. Before the smoke of gunpowder had settled, the American Revolution had become, in the convenient words of the historian Carl Becker, no longer a question of "home rule" but rather "who should rule at home?"¹

Following the Second World War, some historians grew discontent with the heavy-handed economic determinism of the Pro-

gressive Era historians. Their generation would reject the emphasis Schlesinger and Andrews had placed on self-interest and reassert the importance of constitutional ideas as the motivating force of the Revolution. Called Neo-Whigs, these postwar historians uncovered a rich tradition of British political thought extending back to the Glorious Revolution of 1688, which had conditioned the colonists to view the “reforms” of the Grenville ministry as a conspiracy to suppress American liberty. According to the Neo-Whigs, the force of ideas, not economics, had prompted the colonies to break with England.²

But there is a further problem with the Progressive historians beyond the faults that the Neo-Whigs noted. Both Schlesinger and Andrews tended to view the merchants as a uniform social class with common goals and aspirations. Closer inspection, however, reveals that what was self-interested behavior for some was anathema to others. Boston merchants traded widely varied commodities to an assortment of places. The revisions in British commercial policy affected each trade differently. Similarly, religious and ethnic prejudices divided Boston merchants even though intermarriage and kinship helped draw them together. To ascertain what governed such men’s political behavior, we shall need to know far more than we do concerning their backgrounds and types of business.

Fortunately, a wealth of information still survives about the 439 men who, at one time or another, made up the merchant community of Boston during the years 1760 to 1776. We know the revolutionary loyalties of 392 active merchants; and customs and insurance records, together with an abstract of newspaper advertising, enable us to identify the business specialties of nearly three-quarters of the sample. Evidence of church membership survives for slightly fewer than half. Genealogies and family histories fill in the gaps on age and kinship ties for about the same number, and tax records give us an approximate way of gauging the wealth of 218. And perhaps most important of all, the men themselves left behind records of their changing political opinions by appending their signatures to the seventeen petitions that circulated throughout the merchant community during the decade and a half that preceded the American Revolution.

Let us speculate for a moment on the ways we might choose to examine the sample of 439 merchants in order to glean more information about the causes of the revolutionary movement in Boston. Since so many of the issues that agitated the prerevolutionary period

are essentially economic, investigating areas of business specialty would seem an obvious place to begin. Did some merchants have something to gain by overturning the British mercantile system as it existed in the 1760s and 1770s? Were there others who profited from the status quo and were, therefore, likely to defend it? What about religion? Is it true that the "black legions" of the Congregationalist clergy were instrumental in leading their coreligionists into revolt? Were Anglicans submissive by nature and obedient to authority? Were certain ethnic groups prominent in their allegiance to either one side or the other? Did sons automatically adopt the political creeds of their fathers, or did they rebel against paternal beliefs? Did relation by marriage necessarily entail a kinship of political belief?

Often historians seek to answer such questions quantitatively, using statistical techniques to guide them in determining which among several variables might be the most important in influencing political decision making. Unfortunately, such an approach was not possible here. Although I accumulated masses of data on revolutionary loyalties, business specialties, wealth, religion, and age, information existed in all five categories for only sixty-one members of the sample, hardly enough to be satisfying statistically. Nevertheless, we can examine each type of information separately and test putative explanations against the historical record of Boston's stormy politics from 1760 to 1776.

In reviewing the narrative of events, I discovered that business specialties proved to be the most suggestive guide to political behavior. With the benefit of hindsight, this discovery seems hardly remarkable, given the close relationship between government policy and the business climate of our own times. Those preoccupied by trade in their daily lives often tend to evaluate the government's performance by its impact on their own commerce. The general truth of such statements, however, offers us no guarantee that we can, without supporting literary evidence, pronounce with complete assurance why any single merchant chose the side he did. Motives were fully interchangeable, and we must leave open the possibility that religious beliefs might have been the most important consideration for one man, whereas kinship ties might have predominated for another. We can, however, use the quantitative information accumulated in collective biography to point the way through the tangle of historical events in Boston preceding the Revolution. Knowing vastly more

about the Boston merchant community than Schlesinger and Andrews did, we are now attuned to information in the historical record that earlier generations of scholars dismissed as irrelevant or insignificant. We can feast on the crumbs that Schlesinger and Andrews left behind.

Such research has necessarily meant working through some very familiar sources, particularly the correspondence of the Bay Colony's royal governors. Some readers may object that such sources are inherently biased and have cast a "Tory" glow over this account of the coming of the Revolution. In my own defense, I would say no patriot source has been knowingly neglected, and Loyalist and patriot accounts alike have been treated with a healthy skepticism. If the gubernatorial correspondence ultimately proved more suggestive, so be it. It was after all the governor's responsibility to correspond regularly with his superiors concerning the economic health of the province and to maintain a vigilant watch over violations of the Acts of Trade. The character of each governor emerges clearly from his own words: Francis Bernard reveals himself as a vain and acquisitive placeman, and Thomas Hutchinson as an intelligent and conscientious (though somewhat rigid) public servant. Readers will be fully capable of judging for themselves just how much to trust these men's observations.

In such research it pays to be precise, and the reader should understand from the outset just how certain terms are used in the account that follows. In colonial times, the word "merchant" enjoyed a broad meaning; on some occasions it was used to describe anyone who bought and sold goods for profit, whether he was the greatest merchant prince of one of the seaport towns or the lowliest country shopkeeper. I have attempted to restrict the use of the word in this study to only those persons who were involved in overseas trade and whose business was primarily wholesale. To describe persons who were basically engaged in retail sales, I use the word "shopkeeper"; although such men generally commanded smaller resources than overseas merchants, some, as the tax records will show, were able to grow very wealthy indeed. During the 1760s, more and more shopkeepers began to circumvent Boston wholesalers by making small purchases on their own account directly from British sources; thus it has been impossible to exclude all the shopkeepers from the sample of 439 merchants. A few other individuals whose livelihoods were in-

separably bound with overseas commerce, such as the insurance brokers of the day, are also included in the sample.³

It is difficult to state categorically how many merchants were at work in Boston at any given time. Some went bankrupt, some curtailed their business as they grew older, and nearly sixty died before the Revolution even began. A good estimate would include some 200, or at most 250, active merchants in the early 1760s, whereas their numbers had grown to almost 350 by the end of the decade. The vast increase of numbers within the merchant community was one of the central facts of business life in Boston during the prerevolutionary period.

The commercial character of the town becomes even clearer when we remember that Boston's total population at this time was approximately 15,000. Such figures would mean an adult male population of no more than 3,750. Property requirements would further restrict the number who could vote to perhaps 1,500, and thus the merchants, nearly all of whom could meet the property test, were free to exert a heavy influence in the affairs of the town meeting and the selection of Boston's representatives to the Massachusetts General Court. A quick survey of town officeholders during the period (selectmen, overseers of the poor, and so forth) confirms merchant predominance in Boston's politics.⁴

Ever since the collapse of the seventeenth-century fur trade, New England's continuing inability to produce a staple crop in demand in Great Britain had shaped the nature of Boston's commerce. Charleston merchants could trade in rice and indigo; the Chesapeake produced vast quantities of tobacco; the Middle Colonies could exploit a growing market for grain in southern Europe, especially after the end of the Seven Year's War. But Boston's rocky hinterland produced nothing of equal value. For New Englanders to acquire the British manufactures they so much desired, they had been forced to develop a circuitous pattern of trade routes to earn the profits necessary to offset their heavy debts to the mother country.

Great Britain did not, however, leave its colonies an entirely free hand to develop their commerce on their own, but rather enacted during the second half of the seventeenth century a series of mercantilist-oriented laws, collectively known as the Navigation Acts, which guaranteed the mother country maximum commercial advantage in dealing with its colonies. To undercut England's rivals in

the transatlantic carrying trade, Parliament had forbidden foreign ships to trade with the colonies and had stipulated that all goods arriving in England from non-European ports must be carried in British ships with crews at least three-quarters British. (The adjective "British" at that time, of course, was used to describe the inhabitants of British colonies.) Additional legislation, the Act of 1660, attempted to reserve the most valuable colonial exports for the exclusive use of Great Britain by requiring that certain "enumerated articles" could be shipped only to English ports. The most important of these items were sugar, rice, indigo, tobacco, and cotton, although over the ensuing century the enumerated list grew longer and longer. Colonial merchants could export commodities not on the list directly to foreign ports if they desired. To discourage colonial consumption of foreign manufactures, however, the acts stipulated that European products, before they could be imported into the colonies, needed first to be unloaded at a port in either England or Scotland, where tariff duties would be paid; only then could the cargo in question proceed to North America.

To enforce these laws, Parliament extended the English customs service to North America in 1696 and established a system of juryless vice-admiralty courts to try violators. But customs officers were few, and the three thousand-mile North American coastline was riddled with quiet coves and secluded harbors; thus the Acts of Trade during the first part of the eighteenth century were more often honored in the breach than in observance. Beginning in 1699, Parliament also enacted a parallel series of laws restricting the fledgling manufactures of the North American colonies, particularly those of the iron and textile industries, in order that the colonies should not outgrow their proper mercantilist role as producers of raw materials and consumers of the mother country's manufactures.

Thus, when Boston merchants set out to make a living by trade, their options were already severely circumscribed. Without manufactures or a valuable staple of their own, New Englanders needed all their native resourcefulness to turn a profit. Throughout the prerevolutionary period, merchants perceived the importation of manufactured goods from England as the great money-making trade even though occasional problems of oversupply sometimes made this quite untrue; thus even those who might have begun by plying humbler commodities always aspired to a share of the traffic in British

manufactures. How to pay for these manufactures was quite another problem. New England had no staple that London merchants wanted, and all the colonies were chronically short of specie. As a result, Boston merchants turned to trade with a variety of other locales, the most profitable of which were the West Indies and southern Europe, in order to earn the credits necessary to pay for the ever-increasing volume of manufactures from Great Britain.

The planters of the West Indies had found the cultivation of sugar cane so profitable that they chose to devote whatever land they owned to its production, not even troubling to raise the foodstuffs necessary to feed their own families and slaves. Yankee traders soon found their way to the islands with mixed cargoes of timber, meat, fish, and produce, which they exchanged for molasses, and the bills of exchange that would help balance their accounts in London. The West Indies proved a particularly important outlet for Massachusetts exports, since the islanders consumed two otherwise unmarketable commodities that New Englanders possessed in great abundance: timber, the inevitable by-product of clearing New England farmland, and inferior grades of dried fish. The island planters needed timber for building and barrel staves for their sugar and molasses. To feed their slaves, they purchased at low prices the dried and broken bits of cod unfit for other markets. Ventures to the West Indies could also be conducted in small vessels, and the cost of assembling cargoes was low.⁵

Southern Europe, particularly the Iberian Peninsula and the offshore islands, also became an important market for fish, although the people there demanded better quality than the West Indians did. With the exception of wine (subject to heavy duties on arrival in the colonies), the commodities that southern Europe could offer in return were of no great value. Sea captains returning from the region often elected to fill their holds with salt (convenient for ballast and useful in drying fish) and collected the balance of their accounts in bills of exchange that could be drawn on London merchants. Two recent historians have contended that the profits earned in the West Indies and southern Europe, together with other "invisible" earnings from shipping and insurance, were sufficient to offset the chronic imbalance of payments between New England and Great Britain. Although some have challenged this assertion, no one has contested the relative importance of these two regions in helping New England merchants make ends meet.⁶

Late in the prerevolutionary period New Englanders began to develop two native manufactures that aided in making remittances in London. The first was potash, then in increasing demand in the British textile industry for cleansing the natural oils from wool, and the second was whale oil, used for lighting. Although the American whaling industry had not yet grown to the scale it enjoyed in the early nineteenth century, Boston merchants with sizable capital resources like John Hancock's had begun to jockey with one another for control of the supply of this new export. Between them these two commodities accounted for nearly 85 percent of the value of Massachusetts products exported to Great Britain, thus dwarfing the sale of rum to either England or Africa—even though the latter trade is often depicted in popular historical accounts as one of New England's leading money-makers.⁷

The types of trade conducted by Boston merchants during the prerevolutionary period can, as we shall see, provide important clues both to the nature of Boston loyalism and to the composition of the patriot movement. Certain groups, identifiable chiefly by business specialty, constituted the core of each of the two opposing parties. Analysis of the self-interested behavior of these groups during the decade and a half preceding the Revolution also yields significant new insights into the logic of both patriot and Loyalist ideologies. Through a careful examination of surviving customs records, insurance policies, and advertisements in contemporary newspapers, I was able to identify the business specialties of 392 of the 439 merchants in the sample.⁸

Given the volatile nature of the commercial world inhabited by Boston merchants, most strove to maintain a diversified series of ventures that would protect them from overdependence on certain characteristically unstable markets, especially southern Europe and the West Indies, where the prices paid for North American commodities could fluctuate disastrously. Thus the largest single group within the Boston business community were those who aspired to the title of general merchant and traded with all the areas to which they were legally entitled by the Navigation Acts. One hundred eight, or approximately 32 percent, of the 439 merchants fall into this category.

If we grant, however, that certain merchants were more involved than others in the West Indies and southern Europe, it is possible to pick out a few with identifiable specialties in those areas. Grouping together all those involved in either the West Indies or the

coastal provisions trade (bringing foodstuffs to Boston from the grain-rich Middle Colonies), we find a total of thirty-six merchants, or a little less than 10 percent of the Boston business community. The West Indies traders were, generally speaking, not a very wealthy group. Many of those carrying on business with the islands found it a convenient way of entering trade because of the small capital investment required in shipping and cargo.

The list of those trading heavily with southern Europe is even shorter, but these merchants tended to be men of greater capital than the impecunious West India traders. Transatlantic voyages required larger ships and tied up capital for longer periods. Because fish was their principal export, most merchants trading with southern Europe also were leading entrepreneurs of the New England fisheries. During the prerevolutionary period, traders with southern Europe had considerable political importance; perhaps the large number of colonists engaged in the fisheries, one of the New England coast's leading industries, guaranteed these traders a large following among the lower classes.

Aside from the general merchants, the next largest single group within the merchant community were wholesalers, who dealt exclusively in British or East India dry goods. The fifty-six members of this group, varied significantly, depending on the scale of their businesses. The largest of the dry goods merchants found the nonimportation measures devised by the patriots in opposition to the 1767 Townshend Acts a welcome way of clearing overstocked inventories. Their smaller competitors, however—who often bordered on being little more than shopkeepers—opposed the patriots and longed to reopen trade.

The number of those involved in direct reciprocal trade with Great Britain becomes even larger when three other groups are added. There were in Boston twenty-seven braziers, or hardware merchants, and thirty factors, or brokers, who were either the employees of British merchant firms or men who did business on a commission basis. An additional sixty-eight persons, or 18 percent, were shopkeepers, engaged primarily in retail sales, although they did some importing. Thus when we add the number of all those involved with trade with England, including the general merchants, we discover that over three-quarters of all merchants doing business in Boston had some interest in this area. Commerce with England takes on increased

political importance when we remember that the cash value of the goods exchanged along this route vastly exceeded that of the southern European and West Indies trades combined.⁹ No wonder Boston merchants followed the changing parliamentary legislation affecting this trade with such close attention.

One of the most interesting groups to emerge from my study of Boston merchants are the smugglers. The drive for increased profit prompted these men to seek to augment their fortunes in trade outside the empire. Massachusetts smugglers fit into two general categories: those who sought to avoid the duty on foreign molasses (imposed by the Molasses Act of 1733 at the behest of the planters of the British West Indies) and those who sought to run ashore European manufactures that had not been imported through Great Britain. Most merchants regarded smuggling of the first sort as minor speculation—even some of the most respectable Loyalists were involved. On the other hand, many viewed smuggling of the latter sort, as disloyal for it violated the very spirit of the Navigation Acts; merchants driving this illicit trade carefully shrouded their activities in utmost secrecy.

Boston's principal source for illegally imported manufactures was Holland. Although there are naturally no statistics on the trade, Treasury officials estimated the annual value of European manufactures smuggled into North America at nearly £500,000, the consequent loss of revenue thus vastly exceeding that from the fraudulent entry of foreign molasses. Hence undercutting illicit colonial trade with Europe was a major object of George Grenville's extensive reorganization of imperial trade in the early 1760s.¹⁰

Although many authors have written about the problem of North American smuggling in general, few have discussed it specifically. Smugglers do not ordinarily leave behind elaborate records of their transgressions. The fortuitous survival of two sources, however, has made it possible to identify by name a number of leading Boston smugglers. The Ezekiel Price Insurance Records, preserved at the Boston Athenaeum, list with painstaking detail the owners of each venture insured through Price's office, as well as the captain, destination, and premium levied on each voyage. Boston merchants were considerably more honest in revealing the actual destination of their ventures to Price than they were with the officers of the royal customs house. Thus if one of Price's clients insured a voyage from Boston to

In the Name of GOD, AMEN. *Cap^t Solomon Davis*
 as well in his own Name, as for and in the Name and Names of all
 and every other Person or Persons to whom the same doth, may or shall appertain, in Part or in all, doth make
 Assurance, and causeth himself and them, and every of them, to be insured, left or not left, the Sum of
Four hundred Pounds lawful money Two hundred Pounds thereof
 on the *Reck* other appurtenances & Two hundred Pounds on the cargo
 from Boston to Montevideo & from thence to Boston
 again of for the Voye *Thy*

whereof is Master under GOD, for this present Voyage, *hastly* or whatsoever else
 shall go for Master in the said Vessel, or by whatsoever other Name or Names the same Vessel or the Master
 thereof is or shall be named or called; beginning the Adventure upon the said *Reck* of cargo as
 afores^d & to continue the Voyage afores^d

And it shall be lawful for the Vessel, &c. in this Voyage, in Cases of Extremity and Distress, to proceed and sail
 to, and touch at any Ports or Places whatsoever, without Prejudice to this Insurance; Touching the
 Adventures and Perils which we the Assurers are contented to bear, and do take upon us in this Voyage;
 they are of the Seas, Men of War, Fire, Enemies, Pirates, Robbers, Thieves, Terrors, Latrocinies, Letters of Mart and
 Counter-Mart, Surprizals, Taking at Sea, Arrests, Restraints and Detainments of all Kings, Princes and People,
 of what Nation, Condition or Quality soever; Barratry of the Master (unless the Assured be Owner of said
 Vessel) and Mariners, and of all other Perils, Losses, and Misfortunes that have, or shall come to the Hurt,
 Detriment, or Damage of the said Vessel, its cargo or any Part thereof. And in Case of any
 Loss or Misfortune, it shall be lawful for the Assured, their Executors, Servants, and Assigns, to sue, labour, and
 travel for, in and about the Defence, Safeguard, and Recovery of said Vessel, its cargo or any Part
 thereof, without Prejudice to this Insurance; to the Charges whereof we the Assurers will contribute each one
 according to the Rate and Quantity of his Sum herein assured. And that in Case of an Average Loss not exceeding
 ten Pounds per Cent. the Assurers by Agreement with the Assured, are not to pay or allow any
 Thing towards such Loss. And in Case of any Loss the Money to be paid in thirty Days after Proof of the
 same. And it is agreed by us the Insurers, that this Writing or Policy of Assurance shall be of as much Force
 and Effect as the former Writing or Policy of Assurance heretofore made in Lombard-Street or in the Royal
 Exchange, or elsewhere in London. And so we the Assurers are contented and do hereby promise and bind
 ourselves, each one for his own Part, our Heirs, Executors, and Goods, to the Assured, their Executors, Ad-
 ministrators, and Assigns, for the true Performance of the Premises, consenting ourselves paid the Consideration
 due unto us for this Assurance by the Assureds at and after the Rate of, *Twelve* Pounds
 per Cent. And in Case any Dispute arising hereupon, the Matter in Controversy shall be submitted to, and decided
 by Referents, chosen by each Party.

In WITNESS whereof, We the Assurers have subscribed our Names and Sums assured in Boston in New-
 ENGLAND. April 25. 1760

Bread, Corn, Flax Seed, Fish, Salt, Hemp Hides, Skins, and such Goods as are esteemed portable, are
 warranted free from Average, unless a general Average, or the Vessel stranded.

It is Agreed that this Policy of Assurance shall remain in force not only
 against the Risks above mentioned but also against all seizures taking
 Burnings & other Risques of the Subjects of his Britannic Majesty
 his Highness of War & all Privateers. The arrests & seizures of the officers
 of his Majesty's Customs for this Province only excepted.
 Provided that no Contraband goods be Laden on board & shipped
 during the Voyage aforesaid.

- £ 60. J. Esch. Goldthwait ambulant for Fifty Pounds. —
 50. J. Geo. Whitson, for Fifty Pounds
 50. J. Melahiah Brown for Fifty
 50. J. Tom Mew for fifty pounds
 50. J. Morris Lloyd for Fifty pounds
 50. J. J. Lewis for Fifty Pounds
 50. Samuel Welles for fifty Pounds
 50. J. Royce for fifty pounds

A sample insurance policy from the Ezekiel Price Papers. ("Contra-
 band goods" in this instance presumably means military supplies.)
 Courtesy of the Boston Athenaeum.

Monte Cristi (a forbidden West Indian port in 1760) at a rate of 15 percent (nearly one-third again as high as was average for the islands at that time) and added the stipulation that the policy was to include seizures by the English navy but not the Massachusetts customs officers, clearly he had something illegal in mind. Price's records include a number of such entries for a variety of foreign ports, including Amsterdam. We can assume with a fair degree of accuracy that those who sought to insure such ventures were smugglers.¹¹

The other source that makes possible the identification of Boston smugglers—besides an occasional damning letter from their own business correspondence—is a collection of letterbooks and ledgers of the Boston-based firm of Melatiah Bourn & Solomon Davis, records that now repose in Harvard's Baker and Houghton libraries. Bourn & Davis served as the Boston agents and held the power of attorney for Amsterdam merchant John Hodshon, who together with Thomas Hope & Company (also of Amsterdam) split the profits of most of the illegal Dutch trade reaching Massachusetts ports. The names of a number of Boston's leading importers found their way into the correspondence of Bourn & Davis in a manner that clearly implicates them in illicit trade. If a Boston merchant sent an enumerated commodity directly to Holland, he was a smuggler. If he received Dutch tea or paper directly from Hodshon, his proclivity is equally clear. In fact, the records of Bourn & Davis are remarkable not only for their straightforwardness but also for their detail. They contain sailing instructions to captains concerning how best to enter their clandestine cargoes and meticulous cost accountings of illegal voyages down to the last shilling paid to bribe the customs officers.

For example, in his instructions to the master of the schooner *Sally*, dated March 15, 1763, Melatiah Bourn ordered his captain to "proceed without Delay to Amsterdam," putting "into no Harbour on Your Voyage if there is a possibility of avoiding it" nor speaking "unnecessarily" with any vessel. Bourn directed the return voyage "north about Scotland," and should the schooner's papers be examined by naval officers, no letters were to appear except those supplied by Hodshon suggesting that the boat was on charter to a further destination "with Liberty to stop at Boston on the way." Upon the *Sally*'s arrival in Plymouth Bay, she was to put in undiscovered under the Gurnet Head (land) and raise a broad blue vane from her foretop, which would signal Mr. Churchill, a local merchant, to send boats to

remove the secret cargo. Bourn at first advised his captain "to put one of your people on shoar at the Gurnet, such a one as you can trust & give him directions to make the best of his way to Melatiah Bourn," but he later thought better of it and specified that Mr. Churchill should send one of his men, "the messenger not to give any account of himselfe or Vessell, to any one which may Enquire of him." Elsewhere in the Bourn papers, an account of the voyage of the schooner *Sally* lists, among other expenses, several pounds of tea, a necessary gift to William Sheaffe, the deputy collector of customs at Boston. We can only marvel that no one ever saw fit to destroy these records.¹²

I have labeled no one a smuggler unless some written record, such as those just described, confirms that the title fits. Such information does make it possible for the first time, however, to talk about who Boston's smugglers actually were and to scrutinize their political behavior. Twenty-three Boston merchants fall into the category of certain smugglers, about 7 percent of the total sample. But because of the nature of the information sought, it seems fair to conclude that this figure understates the number of smugglers in the port. Perhaps other merchants were more circumspect or less brazen than Bourn & Davis and did not allow the records of their illicit trading to survive. Certainly Ezekiel Price's insurance office was only one of four such businesses in Boston, and the policy books of other agents, were they still in existence, might yield even more incriminating evidence about some of the other merchants who did not habitually do business with Price.

The significance of the smuggling group does not lie in their numbers but in their political importance. Like the merchants trading to southern Europe (four of the merchants belonged to both groups), the smugglers served on many of the most important patriot committees. John Rowe, perhaps one of Boston's most active smugglers, was always at the center of merchant deliberations despite his political trimming. Dutch traders Solomon Davis and William Molineux became the special *bêtes noires* of lieutenant governor Thomas Hutchinson because of their radical political activities and their easy rapport with the urban crowd. Other prominent illicit traders included the Erving family, who had no equals as zealous and influential Whigs until their extraordinary turnabout during the nonimportation controversy. These men's opinions were guaranteed a hearing because they dominated certain key posts in the patriot hierarchy.

The smuggler Edward Payne, in his capacity as secretary of the Boston Society for Encouraging Trade and Commerce, drafted and re-drafted most of the memorials sent to Parliament petitioning for redress from the burdensome restrictions of the Grenville program. Another smuggler, William Cooper, the secretary of the Boston town meeting, stood in close association with Sam Adams and the other members of the radical junto. In brief, the illicit traders enjoyed an influence out of all proportion to their numbers.

Cooper himself provided a succinct justification of the smugglers' activities. Writing to a fellow Bostonian in England in the fall of 1768, at the height of the American Board of Customs Commissioners' efforts to suppress violations of the Acts of Trade, Cooper reported, "You know what has been called an illicit trade has been wink'd at by all former Administrations, it being eventually more profitable to Britain than the Colonies. Our trade with the Spanish Main & Spanish & French W Indies, as also the Mediterranean, furnished us with large Remittances for the British Merchants." He went on to lament that "these Channels are now dried up . . . [and] for every penny drawn from us in the way of Revenue, Britain misses ten in the way of trade." Further, "We feel for our Mother Country as well as our selves, but charity begins at home." Trade with areas outside the empire was not only an important source of credits for Massachusetts, but ultimately colonial prosperity redounded to the benefit of Great Britain. Hence the smugglers found Parliament's efforts to suppress such trade not only inconvenient but also ill advised.¹³

As the preceding outline suggests, three interest groups were particularly important to the revolutionary cause: the Dutch smugglers, the traders with southern Europe, and the merchant princes of the dry goods business. Each group had important reasons to oppose Parliament's efforts to reform imperial trade after the close of the Seven Years' War. Careful observation of their behavior during the prerevolutionary period provides a deeper understanding of the role of economic self-interest as a cause of the American Revolution. This does not mean that economic distress was the sole cause of the Revolution, even among the merchants, but it does indicate that the patriots' charges of "British monopoly" and "thralldom" were more than mere rhetoric. Ideology and economic self-interest should not be viewed as conflicting interpretations of the Revolution, but rather as mutually reinforcing explanations. The economic needs of certain

groups within the Boston merchant community reinforced some of their most deeply held beliefs concerning liberty, taxation, and colonial autonomy.¹⁴

Economics play a less clear-cut role in shaping the political leanings of Loyalist merchants in Boston. In fact, place of birth seems to have had the highest correlations with loyalism. Among the forty-one non-natives in the sample, three-quarters were Loyalists, and none was a patriot. Most of these foreign-born were Scots, the victims during the eighteenth century of virulent ethnic prejudice. To complicate matters further, most Scots were not independent merchants but rather the factors (agents) of British merchant firms that hoped to do business in the colonies directly, thus dispensing with the American businessmen who siphoned off their profits. Needless to say, their plan did not endear these men to the Boston populace. (What was true about loyalism for non-natives was true for most brokers and factors as well, even if they were American-born. Of the thirty factors operating in prerevolutionary Boston, 60 percent were Loyalist and only 14 percent patriot.)

The only other special business group of markedly Loyalist character was the small circle of government contractors, who were almost exclusively Loyalist; only one, John Rowe, who held the supply contract for the British regulars after their arrival in Boston, is known to have been a patriot. All the others apparently found their ties to British largesse too profitable to sever.

A further distinguishing feature of the Loyalist merchants was their religion: over half the Loyalist merchants whose religious affiliations could be ascertained were Anglicans. Although fears that an Anglican bishop might be appointed for North America stirred controversy in the Boston newspapers late in the 1760s, there is little evidence to suggest that this issue resonated with the same impact as imperial trade legislation. It is more likely to suppose that those who joined the Church of England were already Anglophile in their sensibilities and psychologically attuned to the obedience to established authority that Anglicanism demanded. Viewed in this way, Anglicanism becomes not so much a cause of loyalism as a symptom of a particular mind-set.¹⁵

Just as I have tried to be precise in my use of the term "merchant," I have also limited my use of the words "Loyalist" and "patriot." I have labeled no one a Loyalist or a Tory unless he took refuge with the British forces after the evacuation of Boston in 1776 or

was identified as an “inimical person” in some patriot document. Likewise, I have categorized no one as a patriot unless I could document that affinity through evidence of military service, government office, or the sponsorship of American privateers. In this study, continued residence in Boston throughout the Revolution is not sufficient by itself to earn the title “patriot.” The advantage of such narrow definitions is that they throw into clearer relief the great many people who sought to avoid associating themselves with either one side or the other.¹⁶

Although the word “patriot” was in use long before the Revolution to describe those who opposed the general trend of British parliamentary legislation after secretary of state William Pitt’s fall from power in 1760, the word “Loyalist” was not. Therefore, I have preferred to use terms “government party” or “friends of government” to describe Americans in the prerevolutionary period who supported the British colonial administration’s efforts to enforce parliamentary legislation. Such terms were in use at the time, and we can avoid an awkward anachronism by not labeling someone as a Loyalist until the outbreak of hostilities.

Once we have identified which merchants became patriots and which became Loyalists, it is possible to reinterpret the familiar events of Boston’s history from 1760 to 1776 in a new and startling way. Well aware of the profits that might be gained from trade outside the empire, smugglers seized the initiative in pushing the rest of the business community toward a gradual recognition of the economic desirability of revolution. Their rise to power began in 1760, when customs authorities sought to dismiss Benjamin Barons, Boston’s all-too-congenial collector of customs. The illicit traders rallied to the side of their beleaguered friend, and when Barons supplied them with potentially embarrassing records from the vice-admiralty court, the movement to reinstate the collector blossomed into a full-scale attack on courts, customs officers, and the much-vilified writs of assistance (blank search warrants used by the customs authorities). Although Barons never got his job back, the storm he engendered kept the colony government in turmoil for nearly three years and catapulted the illicit traders into leading positions within the merchant hierarchy.

Making full use of their new-found prominence, the smugglers then proceeded during 1764–1765 to direct the petitioning movement of the Boston Society for Encouraging Trade and Com-

merce against the new restrictions imposed on colonial trade by the Grenville ministry. The illicit traders were joined in this endeavor by merchants dealing with southern Europe, whose business the provisions of the Revenue Act of 1764 threatened to strangle. Such anti-commercial legislation brought many Boston merchants to a disturbing revelation: gradually they became aware of the extent to which their trading interests outside the empire had grown during the long years of salutary neglect. By 1766, the smugglers and southern European traders had gained such sway that they were able to persuade the rest of their merchant colleagues to reject the compromise proposals for commercial reform offered by the British government after the repeal of the Stamp Act. Boston merchants were beginning to insist on a freer trade than orthodox mercantilism would allow.

The patriot vanguard of the Boston merchant community received powerful reinforcements at the time of the nonimportation controversy following the passage of the Townshend duties in 1767. A number of the city's leading dry goods merchants had become alarmed by the burgeoning ranks of their competitors. Some of these new rivals were shopkeepers turned importers, thanks to the liberal credit policies of London merchants. Others were factors of British merchants who sought to do business in the colonies directly, and still others were auctioneers who seemed to thrive in time of hardship by selling large parcels of goods for ready cash at rock-bottom prices. The patriot merchant princes saw in the nonimportation movement an opportunity to undo all their competitors. Since only the great merchants maintained stocks of goods large enough to survive a period of prolonged nonimportation, they reasoned that many of their challengers would disappear by the time goods once again began to flow back and forth across the Atlantic.

The interests of the major dry goods importers meshed nicely with those of the smugglers, who saw a chance to reap tremendous profits during the suspension of legal imports. If the arrival of British manufactures could be effectively halted, consumers would inevitably turn to smuggled goods of the same commodities. Not surprisingly, staunch government party men saw the familiar hand of the Dutch smugglers behind the popular disturbances that sought to extend the life of the collapsing nonimportation agreements in early 1770.

The smugglers once again ignited the engines of popular discontent in late 1773, when Parliament's plan to market the East India

Company's tea at record low prices threatened the security of their illegal profits. Bruiting charges of government-sponsored monopoly, the illicit traders made the most of the growing popularity of free-trade ideas among the other patriot merchants. No one, however, perhaps not even the smugglers, quite anticipated the turn of events that the Boston Tea Party would engender. Despite Parliament's harsh response in the form of the Coercive Acts, the core group of Boston patriots induced the town meeting to reject all plans for reimbursing the East India Company for the lost tea. Furthermore, Boston's committee of correspondence successfully proselytized throughout the continent for a comprehensive plan of nonintercourse with Great Britain so that Boston would not be forced to suffer alone for its deeds. When the Continental Congress finally adopted demands for the repeal of *all* the Revenue Acts in the fall of 1774, such an ultimatum was no more than the embodiment of a program that Boston's most extreme Whigs had advocated for nearly a decade. Few in number but disproportionate in influence, the smugglers had largely succeeded in making their interests the cause of all Boston's patriot merchants.

The tempo of political activity among the merchants slowed following a tumultuous series of town meetings in late June 1774. Government party men had organized in one last great effort to persuade the town to make restitution for the tea and censure the activities of the radical committee of correspondence. Rebuffed by the town meeting, the friends of government thereafter gave up the fight. Although Schlesinger has theorized that political radicalism and rising popular violence prompted many moderate merchants to abandon the patriot party after 1774,¹⁷ the loyal addresses presented to departing Governor Thomas Hutchinson and the newly arrived military governor, General Thomas Gage, show that there were few additions to government party ranks from the summer of 1774 through the evacuation of Boston in the spring of 1776. Thus, it is hardly accurate to say that there was a wholesale defection of merchants from the patriot movement as independence drew closer. Although 118 Boston merchants, or about 30 percent of those still alive at the time, became Tories, nearly 42 percent of the merchant population turned out to be active patriots. Furthermore, although the fleet that evacuated the British army carried a number of wealthy Loyalist merchants on board, tax records give no reason to believe that the bulk of Bos-

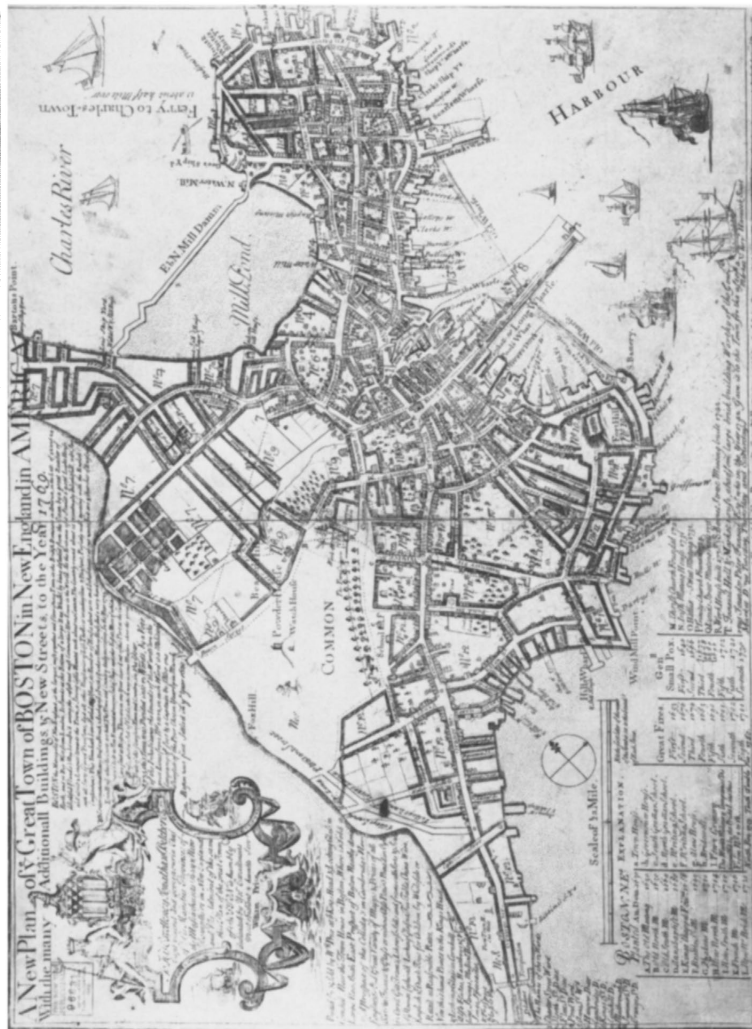
ton mercantile wealth departed at this time. The average patriot was just as wealthy as the typical Tory, if not slightly more so.¹⁸

What divided these men were differing perceptions of the benefits of empire. For some, the protection provided by the Royal Navy and the established patterns of trade and credit with London merchants were too valuable to forgo. But British efforts during the 1760s to revive mercantilist trade policies had prompted others—who were encouraged in their thinking by the smugglers—to wonder whether they could make greater profits outside the confines of the Navigation Acts. It would be a mistake, however, to search the papers of such men for a full-fledged defense of economic liberalism in the manner of Adam Smith, partly because merchants as a group did not allot much space in their correspondence for philosophical speculation and partly because the merchants themselves were not sure exactly what they wanted. Free trade was, after all, indefensible in imperial terms. Boston merchants knew they liked things better the way they had been before 1760, but when they began to work out the implications of what it might mean to return to the “old ground” (their phrase), they were faced with either making an open defense of smuggling (and nearly all regarded themselves as loyal subjects of the empire) or jettisoning the entire framework of the Navigation Acts, some provisions of which—such as the restrictions on the carrying trade—had proved very profitable to them. So the patriot merchants at first drew back from the logical extrapolation of their true economic interests, preferring to complain about “burdensome duties” or petitioning for the liberty to trade in one commodity or another.¹⁹

The merchants’ anxiety about the awkwardness of their position is revealed both by the gradual drift of their position over time and by the various drafts of petitions sent by the Boston Society for Encouraging Trade and Commerce in response to Parliament’s revenue reforms. Paragraphs protesting the recent addition to the enumerated list of logwood and whale fins (staples in the illicit trade with Holland) were stricken from the documents, while innocuous and high-sounding phrases about the Newfoundland fisheries as the “nursery of all our seamen” remain.²⁰

The final decision in favor of free trade came not by choice: it was forced on the patriot merchants by circumstance. When Parliament’s Prohibitory Act closed British ports to American trade in early

1776, Congress had no choice but to open America's commerce to the world. Bostonians were then free for better or for worse to pursue their self-interest in the cold, cruel world of laissez-faire. Free trade had come at last, not so much as the result of a conscious plan, but almost as something the merchants had stumbled into. Without George Grenville's revival of orthodox mercantilism in the early 1760s, Boston merchants might never have realized how many of their true interests lay outside the empire. Paradoxically, Grenville had created one of the things he most feared: American recognition of the necessity of independence.



The Bonner Map of Boston, 1769. Courtesy of the New York Public Library, Astor, Lenox, and Tilden Foundations.

1.

The Long Shadow of Benjamin Barons: The Politics of Illicit Trade at Boston, 1760–1762



Ensconced in their homes in the newly fashionable wards southeast of Boston Common, where spacious gardens and small orchards were more characteristic than in the densely crowded housing of the North End, Boston merchants Melatiah Bourn and Solomon Davis could enjoy in middle age the comforts that years of profitable trade had brought them. Tax assessments on their property mark Bourn and Davis as significantly wealthier than the average Boston merchant of the time, even if they failed to match the opulence of some of the town's more well-known figures like John Hancock. Each owned a warehouse, and between them they commanded 214 tons of shipping, which would rank them thirteenth among Boston ship-owners. Their stock in trade amounted to over £1,500; only fourteen other merchants maintained inventories as large.¹

Bourn and Davis enjoyed not only wealth but status too. The son of the Honorable Sylvanus Bourn, a member of the Governor's Council, Melatiah was the scion of a politically powerful Barnstable County family. Tax assessors in his ward deferentially affixed the title "esquire" after his name. A more rough-hewn figure, Davis had been

a sea captain and was well known for his blunt words and stormy personality. Both owned pews in the Reverend Samuel Cooper's stylish Brattle Street Church, where they heard liberal Congregationalist preaching not likely to trouble a busy merchant's conscience.²

In nearly all respects, Bourn and Davis appear to have led respectable, genteel lives, the very image of Boston merchants—an image preserved in portraits by John Singleton Copley. And yet they were smugglers. Customs records for Boston at the time are fragmentary, but the insurance policies of Ezekiel Price, who underwrote most of Bourn and Davis's ventures, reveal a consistent pattern of illicit trade with some of the most notorious ports: Amsterdam; St. Eustatius, a Dutch island in the West Indies; New Providence, a haven for smugglers in the Bahamas; and the Spanish port of Monte Cristi on the island of Hispaniola, through which North American produce supplied the enemy French islands during the closing years of the Seven Years' War. In all likelihood, Bourn and Davis did not regard themselves as "criminal" or "disloyal," but rather as reputable businessmen willing to take higher risks for increased profit. Had their actions been revealed, they would have faced censure from some and received embarrassed, if unspoken, sympathy from others. They were hardly alone. The same commercial pressures that had prompted Bourn and Davis to experiment first with trade to southern Europe and then with the smuggling of European manufactures had driven at least seventeen other Boston merchants to do the same. Years of lax enforcement of customs regulations had also habituated many of the town's residents to illicit trade. Smuggling was a violation of law but nothing out of the ordinary.³

As Bourn and Davis scanned the weekly papers at a waterfront coffeehouse in January 1760, they would find cause for both rejoicing and alarm in the news of the progress of the Seven Years' War. On the one hand, the conquest earlier that fall of the great French fortresses of Louisbourg and Quebec had opened for Boston merchants the possibility of a vast new market in Canada. On the other hand, reports had begun to filter back from the West Indies of seizures of New England vessels by the Royal Navy at the bustling, neutral port of Monte Cristi, thus threatening to cut off one of the most profitable sources of foreign molasses. Even more unsettling still was the news, reported without explanation or comment, that the surveyor general of customs had suspended Benjamin Barons, Boston's

congenial and tractable collector of customs, and forced him to take ship for England in an effort to regain his post.⁴

Barons's efforts to win reinstatement would become a focal point of Massachusetts politics during the next two years. Because of Barons, Francis Bernard, the new governor of Massachusetts, would be embroiled in his first sustained conflict with the General Court, a controversy in which lawyer James Otis's famous condemnation of the writs of assistance is only one small episode. In their efforts to assist their beleaguered friend, a small group of smugglers would first initiate their merchant colleagues in the tactics of willful misrepresentation and violent intimidation that patriot merchants later employed with such success against their government party enemies in the late 1760s. Part of the widening conflict with Great Britain, the Barons incident saw the emergence of a core group of merchant smugglers who subsequently became leaders of the patriot opposition.

Barons's First Suspension, January–May 1760

It is difficult to imagine a more improbable figure as customs collector than Benjamin Barons. Charged with the chief responsibility for the enforcement of His Majesty's customs at Boston, Barons was a former London merchant who had once had a vessel of his own seized in Massachusetts waters for lack of a register proving British ownership. Although the Massachusetts Court of Vice-Admiralty had perfunctorily condemned the ship on this more or less technical charge, Treasury officials in London later received so much testimony from Barons's fellow merchants and other "distinguished people" that they remitted the king's one-third share of the seizure to Barons as a settlement. Throughout his stormy career, Barons was greatly aided by his powerful friends at Whitehall, the most influential of whom, Admiral Sir Charles Hardy, Barons had served as secretary when he was governor of New York. Through Hardy's connections at the Admiralty and Board of Trade, Barons obtained the recommendation of Lord Halifax, secretary of state for the Southern Department, whose influence triumphed over that of other candidates for the vacant collectorship at Boston. Typifying the worst sort of placeman in the eighteenth-century colonial bureaucracy, Barons had successfully parlayed friendship and influence to gain a post rumored to be worth £3,000 a year in bribes and perquisites. After a

few years' service, he could be a rich man. The commissioners of customs formally appointed Barons collector on May 11, 1759. On December 15, however, Thomas Lechmere, the aged surveyor general of the Northern Customs District, suspended the new collector within three months of his mid-September arrival in Boston.⁵

From his first arrival, Barons had exhibited a general eagerness to cultivate the friendship of Boston merchants. To the smugglers' delight, he soon let it be known that he "Scorned to make Seizures." Such a policy did not endear him to his colleagues in the customs service when they found themselves beset by angry merchants demanding to know why they should "persist in making Seizures when Mr. Barons had declared he would not make any." What Barons may well have been doing was allowing the merchants, when caught red-handed in violation of the Navigation Acts, to make what they preferred to call a "post entry" of the cargo by paying the legitimate duty on smuggled goods rather than suffer the full legal penalty of confiscation.⁶

Whether it was for this reason alone that Lechmere suspended Barons is uncertain. A letter from smuggler John Rowe, one of Boston's principal merchants and later one of Barons's fiercest partisans, hints darkly that Barons may also have involved himself in entering and clearing vessels plying the dubiously legal trade with Monte Cristi. Although Monte Cristi was itself a neutral Spanish port, because of its location within a mile of the border between Spanish Hispaniola and French Saint Domingue, it became a principal *entrepôt* through which the French enemy received much-needed North American lumber and provisions. Writing in the spring of 1760—several months after Barons's suspension—Rowe touched on the customs commissioners' ambiguity "about Clearing Sugar from the Mount [Monte Cristi]" and observed to his correspondent that he had "good Reason to think the Surveyor General had wrote to the Commissioners on that very Subject, at the Departure of Mr. Barrons which was Like to have made some puzzle at home [England]."⁷ Thus Lechmere may also have suspended Barons for imparting legality to the Monte Cristi trade by entering and clearing at Boston vessels trading with the Spanish port.

A variety of factors combined to make the continuance of the Monte Cristi trade crucially important to New England merchants. Because planters in the British West Indies habitually refined their

own molasses into rum themselves, the supply of that commodity in the British islands was always insufficient to satisfy North American demand. The protected status of the French brandy industry, however, discouraged French planters' copying the example of the British islanders; thus, French planters regularly offered large supplies of the article at cheap prices. Because Saint Domingue was the largest of all the colonies in the French West Indies, New England merchants could expect to find more of the article there than in all the British West Indian islands combined.⁸ The insurance records of Ezekiel Price, who kept one of the four insurance offices in Boston at that time, indicate that of the 120 Boston merchants who did business with Price (about half the merchants active in the town in the early 1760s), 37 insured ventures to Monte Cristi or other ports actually located within Saint Domingue. Of this group, approximately three-fifths later proved to be active supporters of Barons in his contest with the Boston customs establishment.⁹

Melatiah Bourn's sloop *Betty* was among the first five vessels seized by the Royal Navy at Monte Cristi on August 3, 1759, and taken into Jamaica for condemnation. Two fellow Bostonians, Henry Bromfield and John Avery (the latter familiar as the father of the future secretary of the Loyal Nine, an organization that helped orchestrate the town's Stamp Act riots in 1765), were the owners of a sloop seized at the same time. Immediately upon receiving the news, the Boston merchants joined with Isaac and Naphthali Hart of Newport, Rhode Island, the owners of yet another of the vessels, to share the cost of appealing the condemnation of their ships to the High Court of Admiralty in London.¹⁰ Their efforts at appeal ran parallel to Benjamin Barons's attempt at reinstatement and carried the Boston merchants' grievances to the very center of London politics. Indeed, their ultimate success through judicious bribery and the threat of blackmail helped shape the attitudes of the Boston merchant leadership concerning the most effective means of combating attempts to constrict their trade.

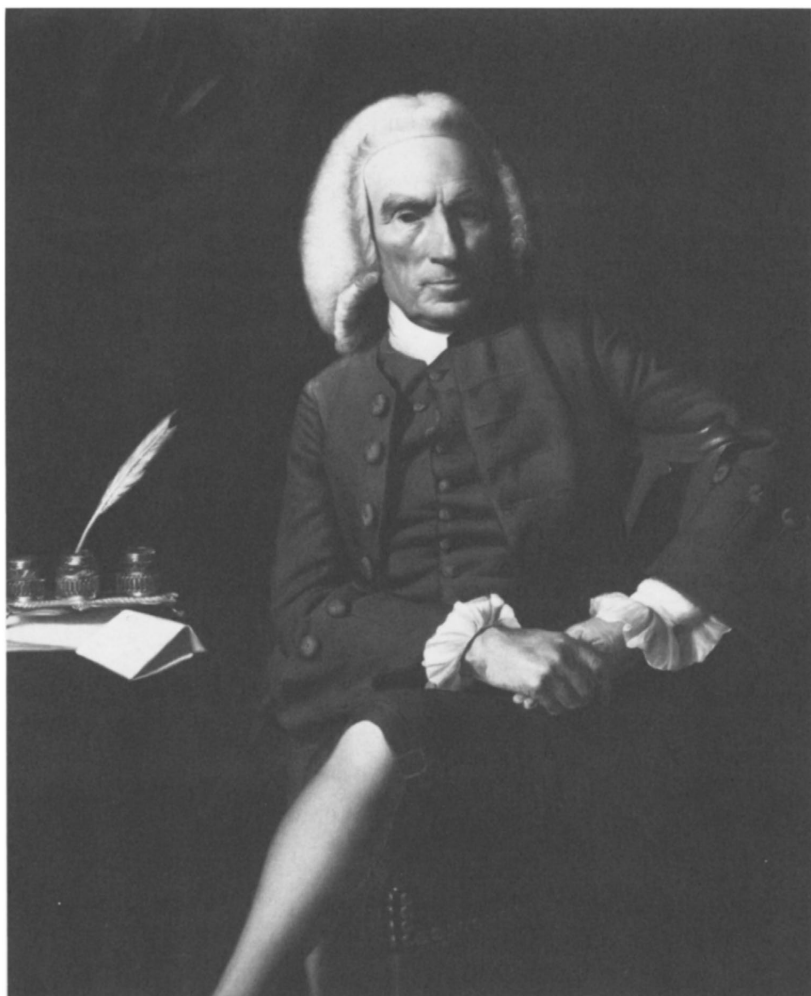
The seizures at Monte Cristi and the tightening pattern of customs enforcement at Boston, foretold by Barons's suspension, intervened at a darkening period in the economic history of the port. As recent research has made strikingly clear, the Seven Years' War had decimated Boston's labor force, and owing to the large number of widows and orphans, one-seventh of the town's adult population was

then receiving poor relief. The dislocation of trade with the West Indies was particularly bad news for the lower classes because of the large opportunities for ancillary employment which that business offered in shipbuilding, fishing, and lumbering. The shift of military operations from Canada to the West Indies only worsened the situation because of the loss of specie that the withdrawal of the army and navy inevitably entailed.¹¹ Fate and nature conspired to accentuate Boston's grim dilemma when on March 23, 1760, a great fire swept over the western part of the town, burning out 225 families and destroying 176 warehouses.¹²

In the midst of the atmosphere of economic dislocation caused by the great fire and the reorientation of the war effort, Boston's trade received yet another shock on April 26, 1760, when Massachusetts customs officers seized John Erving's brigantine *Sarah*. Despite his membership on the Governor's Council, Erving was an active entrepreneur of trade with the Dutch republic. During the 1750s, he had devised a scheme whereby his vessels would first load cargoes of tea, paper, and other European manufactures in Holland and then touch at Scotland's remote Orkney Islands (Erving's birthplace) to give the appearance of compliance with the Navigation Acts.¹³

Even though in 1756 (the low ebb of England's fortunes in the Seven Years' War) a number of the town's principal merchants had signed an agreement to inform on smugglers in the Dutch trade,¹⁴ Erving was by no means the only prominent Bostonian engaged in illicit trade. Smugglers besides Erving, Bourn, and Davis included royal councillor and war contractor Thomas Hancock, town clerk William Cooper (the brother of the Reverend Dr. Samuel Cooper), future patriot William Molineux, the experienced intriguer John Rowe, and the irascible Thomas Boylston. Their affairs in Holland were usually handled by Thomas and Adrian Hope or John Hodshon, who ran the Amsterdam branch of the family business in partnership with his brother William Hodshon, a leading London merchant. Before the seizure of the *Sarah*, Bostonians carried on this highly dangerous, but enormously profitable, trade with seeming impunity.¹⁵

That era ended, however, with the seizure of Erving's vessel. In examining the brigantine's cargo, William Sheaffe, a minor figure in the Boston customs establishment, discovered Dutch manufactures that had not been properly cleared in Great Britain. Erving inquired if he could rectify the situation either by paying duties on the



The Honorable John Erving, by John Singleton Copley. Courtesy of the Smith College Museum of Art.

goods or by sending them on elsewhere. Sheaffe, however, after consulting with one of the Crown's chief legal officers, seized the entire ship and cargo in the name of George Craddock, the temporary collector of the port appointed during Barons's suspension. After an unsuccessful visit with Craddock, Erving refused to allow the unloading. He desperately hoped to base his defense on the grounds that even though Dutch goods were on board, no breach of the Acts of Trade had been committed as long as he had not broken bulk. Craddock persisted, claiming that he knew "there was something of value hid clandestinely on board and that he [Craddock] was very poor and expected to get Two Thousand pounds Sterling for his share." Erving retorted that Craddock would be very disappointed for "the whole vessell and Cargo would not amount to half the sum." Nevertheless, when the admiralty court heard the case, Erving made a tacit admission of guilt by agreeing to settle, or "compound," for a fine of £555 4s. 4d., half the value of the seizure.¹⁶

The news of Erving's misfortune, as well as the progress of Benjamin Barons's efforts to win reinstatement to his post as customs collector, must certainly have been among the topics discussed at the meeting of the Boston Society for Encouraging Trade and Commerce (BSETC) held only two days after the seizure of the *Sarah*.¹⁷ At any rate, the news of Barons's formal vindication before the Commissioners of Customs in London was known shortly after the BSETC meeting. On May 12, John Rowe informed a correspondent, "It gives me great pleasure to tell you, that Mr. Barrons was Restored his office without any Solicitation thro' his friends, &c.," adding that Barons would now be safe from the "ill nature" and "cruel treatment of Mr. L[echmere]." On May 19, within a week of Rowe's letter, the Boston newspapers trumpeted the news of Barons's reinstatement. The merchants would soon have their favorite restored to them.¹⁸

The impending departure of Massachusetts governor Thomas Pownall further complicated political configurations among the merchants at this time. The merchants, who regarded Pownall as a special friend and protector, presented him with an especially effusive farewell address prior to his departure for England on June 3. The address noted Pownall's care for commerce and thanked him particularly for his efforts in saving them from the burden of naval impressments, concluding that nothing in his "Excellancy's power had been wanting that might prevent, soften and alleviate the Inconveniencies

and hardships to which Trade is exposed in time of war." Nor were the merchants beyond inserting an editorial mention of their conflict with the customs service, adding that they hoped Pownall would use his influence on their behalf in England since he was sensible of "the peculiar disadvantage and Pressure that now lie upon Trade."¹⁹

With the departure of Pownall and the arrival of Francis Bernard as their next governor, the merchants found themselves victims of a disadvantageous exchange. In Pownall they had had an understanding friend, easily disposed to overlook breaches of the Acts of Trade. Bernard, however, burdened by the necessity of providing for a large family, would vigorously pursue customs violations not only as a duty of his office but also as a means of augmenting his income: the governor received a one-third share of any seizures made within the province.

Throughout the years of Governor Bernard's administration, the Boston merchants looked wistfully to Pownall as a potential ally and someone who might paint a more favorable picture of them to the London authorities. Certainly, soon after his departure, they were eager to poison Pownall's mind against Charles Paxton, the surveyor and searcher of customs at Boston and Barons's chief enemy within the customs service. In his eight-year career as surveyor of customs, Paxton had won an unenviable reputation as the most active of all the customs officers in making seizures. Much of his success came from the large sums he promised private informers, the cost of which was deducted from the proceeds of the seizure, as were the general expenses of the admiralty court trial and condemnation. According to the provisions of the Molasses Act, the gross proceeds of a seizure were divided one-third to the province (on behalf of the king), one-third to the customs officers filing the libel, and one-third to the governor. Because the Massachusetts vice-admiralty court habitually deducted all expenses from the province's share, Paxton did not lose anything by offering such large amounts to secret informers. He also gained additional profits in any admiralty court condemnation through his offices as the court's marshal, storekeeper, and vendue master (auctioneer).²⁰

Paxton took the two major actions in 1760 that stung the merchants. In mid-May, just prior to Pownall's departure, he seized twenty-six hogsheads of rum (worth £544). Then, in mid-August, he and Nathaniel Hatch seized the schooner *Success*, and Paxton claimed

as his share the right to bring a suit against its cargo for four chests of tea worth £240. In each instance, charges ate up a large part of the value of the seizure: £146 in the former case (£90 of which was allotted for private information) and £105 in the latter. Suitably inflamed against Paxton, the merchants did not miss the opportunity to misrepresent his conduct to Pownall when the customs officer attempted to ingratiate himself with newly arrived Governor Bernard. Paxton tried to assist the impecunious new governor by furnishing him with a list of values for a number of items of household furniture Pownall had left behind to be auctioned, and for which Bernard was the most obvious potential buyer. Thomas Hancock, who acted as Pownall's broker in the transaction, wrote the former governor that he "was very vext & I dont thank Paxton for doing you this piece of service."²¹

Soon after Bernard's arrival on August 2, Barons himself returned to Boston to resume his post as collector. Within a week, the Boston Society for Encouraging Trade and Commerce called a meeting to discuss problems affecting "the trade." Among the likely topics of discussion, together with any special information that Barons might have brought back, were Paxton's recent seizures and the news that the Royal Navy was again making seizures at Monte Cristi and elsewhere in the Caribbean.²² When the same news arrived on the other side of the Atlantic, secretary of state William Pitt became so incensed that he immediately dispatched a circular letter to the royal governors of British North America, urging them to greater vigilance in their efforts to cut off trade with the French, "particularly to the Rivers Mobile and Mississippi." He commanded them that it was "his Majesty's express will and pleasure they put the most speedy and effectual Stop to such flagitious Practices so utterly subversive of all Law and so highly repugnant to the Honor and Wellbeing of this Kingdom." A number of influential historians have cited Pitt's letter as the opening salvo in the British government's campaign to bring the trade of the colonies back within the parameters of the navigation system after decades of "salutary neglect."²³

Bernard, who had much to learn about his new government, replied to Pitt's letter by saying that he knew of no illegal trade between Massachusetts and French Louisiana, nor did the Governor's Council, to whom he had referred the issue. Although Bernard might have been misled by artful men in the Council, such as Erving and Hancock, both of whom sat on the committee that considered the secretary of state's letter, the merchants themselves recognized the

economic necessity of keeping open trade with the French West Indies.²⁴

At this very moment, a number of Boston's principal victims of the British crackdown on illicit trade were at work plotting the course of their legal appeal to the High Court of Admiralty in London, an appeal that eventually would bring them restitution for the seizure of their vessels. On September 20, 1760, Newport merchants Isaac and Naphthali Hart wrote to Melatiah Bourn, enclosing a letter from their brother in London, who was handling the appeal of their sloop *Penguin* and the four other Massachusetts vessels seized along with it at Monte Cristi the year before. Abraham Hart urged them to send more money, warning that if he was not well supplied with an ample amount of cash "at the time the suits are ready for trial Admiral Cotes [who was prosecuting the seizures] will take advantage of it and the appeals [will] be dismissed." "The truth of it is . . .," concluded Hart, "these cases are Determined by the Resolution of the Council of State or Privy Council." Nevertheless, he would "be glad if you and others will get all the Attestations properly authenticated proving Admiral Cotes's trade with the French particularly the loading of his Majesty's ship *Lively* at Port au Prince . . ., Such Attestations will be of great use & we shall want to exhibit them to their Lordships."²⁵ Thus the Boston merchants chose a judicious mix of bribery and justifiable extortion in their efforts to combat the Royal Navy's attempt to restrict their trade in the West Indies with the hostile French.

Despite the unwillingness of William Hodshon and several other prominent London merchants to undertake the management of the Monte Cristi appeals, the initial hearings on related cases were favorable, and the *Boston Newsletter* on October 1, 1761, heralded the news that "the Trade to Monto Cristo is now so well established" that the High Court of Admiralty had ruled "that every British Subject had an undoubted Right of purchasing French produce in every Neutral Port in America, or Europe . . . [as long] as the Apellants swore they had not corresponded directly with the French." By the time the cases involving the Harts and their Boston allies came to trial, the following winter, the precedent was so firmly established that restitution was almost automatic.²⁶

Barons's efforts to curry favor with the Boston merchants won him the jealous animosity of Governor Bernard and senior members of the customs establishment. The merchants, however, rallied to

their friend's defense in the early months of 1760. Squeezed by hard times and a British crackdown on trade with the enemy in the Caribbean, the merchants clung to the hope that Barons might be restored—otherwise all the most profitable avenues of illicit trade would be cut off.

Barons Seeks Revenge, August 1760–March 1761

Since his return in early August 1760, Benjamin Barons had been careful to conform to an outward appearance of discretion, even to the extent of publishing notices warning the merchants against illicit trade.²⁷ Inwardly, however, Barons was laying plans both to avenge himself on his enemies and to win popularity with the merchants by hamstringing the power of the vice-admiralty court and the local customs service. Insinuating himself with the disaffected councillor John Erving, Barons told him that he had been “greatly imposed upon” in the seizure of his brigantine *Sarah* and that Barons wondered that Erving should “submit to such ill treatment.” Before parting company, Barons added that he would be glad to give the councillor “any assistance to redress himself.”²⁸ Not long after, on November 3, Barons appeared at the office of William Story, the register (or record-keeper) of the Massachusetts Court of Vice-Admiralty and demanded copies of all documents and bills of cost pertaining to three seizures: those of Erving's brigantine *Sarah*, the schooner *Success*, which had brought the four chests of tea from Rhode Island confiscated by Paxton, and a sloop recently seized by Nathaniel Hatch on its outward voyage after landing a cargo of foreign rum at Casco Bay.²⁹ Barons's plan was now afoot to expose to public view the large sums the vice-admiralty court paid private informers. By publicizing such information, Barons would render Paxton's name even more odious among the merchants than it was already and would make it nearly impossible for customs officials to continue to obtain the secret information that led to most seizures.

In the course of his conversation with Barons, Story mentioned that Nathaniel Hatch had only just made yet another seizure, this time thirteen hogsheads of brandy (worth £234). Incensed that he had not been informed about a seizure made by a subordinate official within his own port, Barons now at least knew the extent to which he had been isolated by the rest of the customs establishment.

Encountering the disgruntled collector five days later, George Craddock, who was deputy judge of the vice-admiralty court as well as a customs officer, told Barons that he hoped he would soon have the honor of condemning Hatch's seizure. Huffily, Barons retorted that he was not anxious to see the brandy condemned and stormed away from the perplexed Craddock. Governor Bernard tried privately at first to dissuade Barons from his opposition to Hatch's seizure. (Barons had now made his principal objection to the seizure the fact that the brandy was being libeled as "distilled spirits," which meant that under the provisions of the Molasses Act the province's share would have to bear all the costs.) When persuasion failed, Bernard, together with Surveyor General Lechmere and admiralty court judge Chambers Russell, confronted Barons sometime in mid-November and warned him against insubordination.³⁰ But it was too late; Barons had already begun to break with the admiralty court and customs establishment—a break that would soon lead him into open antagonism with the entire government party.

As well as giving Erving the accounts of cost in the three seizures, Barons apparently gave a copy to Benjamin Hallowell, Sr., Boston's leading shipwright and an influential figure in the mercantile community. According to later testimony from Paxton, Hallowell had "for some years past . . . publicly professed himself an enemy to the court of Vice-Admiralty in this province, and hath declared the same to be a Nuisance! and ought to be laid *aside!*" Armed with the information from Barons, Hallowell told province treasurer Harrison Gray that he had seen amazing accounts of costs in the admiralty court proceedings. He admonished Gray that it was his duty to protect the provincial treasury from the deduction of unwarranted expenses, but suggested that Gray not do anything further until Nathaniel Hatch's most recent seizure was condemned—an event that eventually took place on November 17. Gray did not wait for the condemnation, however, he appeared almost immediately at the vice-admiralty court to demand the same records that Barons had requested earlier. Soon after this, Hallowell came to Gray again, saying he had been threatened not to involve himself further with the affairs of the vice-admiralty court and asking him as a friend to desist in the inquiry. Innuendo and intimidation were weapons that both sides would use with good effect before the affair was over.³¹

At the same time that the breach between Barons and the

rest of the customs establishment was growing ever wider, Governor Bernard appointed Thomas Hutchinson as chief justice. This fateful action gained Bernard the undying enmity of James Otis, Jr. Otis, a rising member of the Massachusetts bar, had solicited the first vacancy on the Superior Court for his father, a prominent Barnstable County politician. Despite Otis's request, Bernard appointed Hutchinson on November 13, and sometime shortly thereafter the young lawyer, "vowing to set the province in a flame," resigned his commission as deputy advocate general. Although the office brought him nearly £200 a year, Otis abandoned the service of the admiralty court and joined Barons in the fight against his former employers. Although Otis and Barons had previously been "at such variance as not to speak to one another," their common enmity for Bernard soon made them close allies. Otis's defection from the government party at this time was a particularly severe blow, for he was in the midst of an investigation of illicit trade initiated in August 1760 by advocate general William Bollan on orders from the secretary of state.³²

If Otis were looking for a way to set the province aflame, he could not have picked a better place to begin intriguing than with Barons and his merchant confederates. Sometime in late November, John Rowe requested from William Story yet another copy of the admiralty court costs and asked that it be sent to Otis. Thus according to Tory historian Peter Oliver, "Otis engrafted his self into the Body of Smugglers and they embraced him so close as a Lawyer and useful Pleader that he soon incorporated with them." During the next few years Otis became the chief spokesman for the most radical elements of the merchant group.³³

While Otis was at work preparing the legal attack against the admiralty court, Benjamin Barons was busily intriguing his own. According to Paxton's later testimony, Barons approached him at this time in an effort to persuade him to resign his admiralty court functions: "My dear Paxton I would give five hundred pounds Sterling were you not an Officer of the Admiralty. I am sure you would join with me to demolish that . . . devilish court."³⁴ After being spurned by Paxton, Barons then moved to undercut him by bribing away Paxton's chief informant, the ever useful Ebenezer Richardson, since 1754 a veritable storehouse of information for the government party in matters of illicit trade and political intrigue.

Suspicious of a note from Barons asking Richardson to meet

him after dark on December 4 and wary that it might be a trap set by smugglers, Richardson armed himself with a hatchet hidden under his heavy cloak before he set out through the narrow streets to the collector's house. Much to Richardson's surprise, Barons greeted him warmly, saying that he heard that Richardson had been very useful to Paxton as an informer. Barons then observed that his money was as good as Mr. Paxton's and offered him double whatever Paxton would pay. According to Richardson, Barons then issued a warning: "If I would leave Mr. Paxton and engage in his service and be true to him, he would make me, and if not he would ruine me Eternally." Richardson demurred, asking for time to consult his friend and patron the attorney general, Edmund Trowbridge, in whose service Richardson had begun his career as an informant. Barons's resentment flared at the mention of Trowbridge's name. "That will not do," Richardson quoted Barons as saying. "He is a Governor's man, And the Governor, The Judge of the Admiralty and Paxton are all of a Club, but I will make the Governor know his driver and that I am his driver."³⁵

Regaining composure, the collector then asked Richardson how much Paxton paid him. Richardson cautiously replied that he supposed he was paid what was in the bills of cost, but Barons was not satisfied with the answer, saying he thought the governor and the judge shared most of the money that was allowed for private information. "Finding Mr. Barrons so free, and being desirous of knowing his real design," Richardson ventured to say to him, "Sir, I have heard you are frequently in Company with some Merchants that are concerned in Illicit trade," and mentioned John Rowe, Benjamin Hallowell, and Solomon Davis. Barons replied, "I know they are as well as you," and laughingly added, "I tell them they must take care."³⁶

Having led the collector into such an indiscretion and now clearly the master of the conversation, Richardson drew Barons along further by hinting at the promise of information. He asked if provisions bonds (required of the masters of vessels carrying grain lest food be shipped to the enemy) were not forfeit when masters landed a cargo of provisions in non-English ports. Barons responded that indeed they were and asked if Richardson knew of any such instances. Richardson then mentioned merchant Arnold Welles's vessel, which had carried a cargo of provisions directly from Boston to a Dutch port and asked if Barons, as collector, did not still hold the bond. Barons said that he did but added, "It will not do to meddle with him, for his

father [Samuel Welles, an Inferior Court judge and member of the assembly] is a man that [has] great Influence here." Customs bonds when put to suit would have to be heard in common law court, where neither jury nor judge, in this particular case, was likely to be very sympathetic.³⁷

In an effort to belittle the importance of the information Richardson had just given him, Barons commented that he had word of a number of illegal importations and that he had made no seizures because he didn't want to "distress the people." Barons concluded the interview by admonishing Richardson again not to let Paxton know of their conversation. The informer departed, promising to give Barons an answer soon on the business arrangement the collector had proposed.³⁸

Out of loyalty, Richardson consulted with Attorney General Trowbridge, outlining Barons's proposition in vague terms. Trowbridge advised that it was a scheme of some of the merchants to prevent seizures. Richardson then returned to Barons, saying he was not interested in the deal. Barons, however, was quite "fierce" and adamantly refused to let him go. At this point Richardson became so frightened that he dared not tell Barons he had spoken to Trowbridge. The next day, however, he went to Trowbridge with a complete account of his conversations with Barons.³⁹ Once the government party was in possession of such information, any compromise between the warring parties would be unlikely; Bernard and Trowbridge must have known that testimony like Richardson's would be damning for the collector in England.

The Boston Society for Encouraging Trade and Commerce met again on December 15, soon after the exchanges between Richardson and Barons. The merchants considered a resolution of thanks to Barons for discovering such frauds in the admiralty court, but Otis, who was now serving as legal counsel to the merchants, sent Barons a message telling him of the proposal. Barons was thus able to return a message asking that his name be kept out of the proceedings.

The principal order of business at the meeting, however, was framing a petition to the House of Representatives, requesting that the province treasurer, Harrison Gray, be authorized to sue those persons who had illegally siphoned away money due to the province on behalf of the king as His Majesty's share of the proceeds of seizures for illicit trade. The fifty-nine petitioners to the House of Represen-

tatives included eleven known smugglers, among them John Rowe, John Erving, Jr., Arnold Welles, William Molineux, John Avery, Melatiah Bourn, and Solomon Davis. Suspicion of smuggling runs high about eight other petitioners because of their heavy involvement in trade with the French. The political connections of the petitioners are clear: two were current selectmen and six would be in the future; one was a sitting member of the Governor's Council and four were future members. Future patriots outnumbered future Loyalists by a two-to-one margin, although almost a quarter of the group died before the outbreak of hostilities with Britain.⁴⁰

On December 19, the House voted to hear the merchants' petition through their counsel (Otis) and invited all interested persons from the vice-admiralty court to attend. On December 24, the hearing was duly convened, and a joint committee of the House and Governor's Council was appointed to investigate the matter further. Among the committee members were two of the Boston representatives, Royal Tyler and Samuel Welles, as well as councillor John Erving, Sr. Neither Erving nor Samuel Welles, who was both a judge of the Court of Common Pleas and the father of two of the petitioners, was a disinterested party. The committee reported that from August 4, 1753, to November 17, 1760 (the date of the condemnation of Nathaniel Hatch's last seizure), the admiralty court had billed £484 1s. 11d. in "illegal" charges to the province's share of the proceeds of customs seizures, and that over £282 of the amount had been spent for "private information." On January 13, 1761, after considering the report and making a few slight deductions from the total, the House passed a resolution empowering treasurer Harrison Gray to demand £475 9s. 11d. from the vice-admiralty court.⁴¹

In a message to the House of Representatives on January 16, Governor Bernard desperately attempted to block the suit by objecting that since the money was in fact the king's revenue, it ought to be sued for by His Majesty's attorney general and not by the provincial treasurer, an objection that even Thomas Hutchinson regarded as "really of no weight." On January 27, a new resolution was brought in, still designating Gray to appear as plaintiff on the province's behalf, but this time naming as defendant Charles Paxton, the admiralty court officer who allegedly held £345 of the province's money. When Bernard realized just how unpopular further opposition would be, he summoned the Council, who advised him to waive his objec-

tions "how well soever Founded." Consequently, Bernard assented to the vote on January 31, just prior to proroguing the meeting of the General Court.⁴²

In the midst of his controversy with the legislature, Bernard found time to report home to John Pownall, the secretary of the Board of Trade and the brother of Massachusetts' former governor. "Mr. Barons had plaid the Devil in this town," Bernard fumed:

He has put himself at the head of a combination of Merchants all raised by him with the Assistance of two or three others to demolish the Court of Admiralty & other Customs house officers, especially one [Paxton] who has been active in making seizures.

Bernard reported to Pownall that although he was "naturally not concerned" in the business, he had endeavored to prevent Barons from causing a tumult and expressed his disapprobation of the proceedings of the General Court, for which Barons and his confederates had turned their fury against him. "There never existed," concluded Bernard, "such mischievous folly in all my acquaintance of mankind as this gentleman."⁴³

After the proroguing of the assembly, the controversy began to spill over into public print. On February 2, 1761, a formal printed notice appeared in the Boston papers announcing that Charles Paxton and Robert Temple had seized the ship *Swallow* with ten chests of tea on board. In an effort to expose as hypocritical the merchants' recent remonstrations to the General Court, Paxton caused to be reprinted beneath the seizure notice a copy of the 1756 agreement to inform on smugglers in the Dutch trade. Although many of the signers had subsequently disavowed the agreement, a number of merchants were embarrassed by the advertisement, especially because it included the names of nine of the petitioners to the General Court and two such active participants in recent events as John Rowe and Benjamin Hallowell, Sr.⁴⁴

Two weeks later the merchants struck back in the pages of the *Boston Gazette*, printing an extended account of their version of the proceedings against the admiralty court. Concerning the petition to the General Court, the writers of the *Gazette* claimed,

No small pains have been taken to make it believed that this memorial was designed to encourage illicit trade: but nothing can be more groundless and base than such an insinuation. . . .

Everybody knows that there may be an illicit disposal of forfeited goods as well as an illicit trade; and must despise the man, whoever he may be, who while he would fain be thought in earnest, to discourage the latter, is not ashamed of the former.

The authors went on to accuse that “seized goods have been inventoried by false names in order that another disposition of them might be made than what the act of parliament expressly prescrib’d.” (This was, of course, a direct reference to Nathaniel Hatch’s labeling thirteen hogsheads of brandy as “distilled spirits” under the provisions of the Molasses Act.) The *Gazette* concluded that the petition of the merchants “discovered so strong and disinterested regard to publick justice that one cannot but wonder it should even be whispered that it proceeded from persons disaffected to the government.” And yet such an accusation had indeed been made by persons whom, the *Gazette* was quick to note, were said to be those most deeply concerned in the illegal and unjust practices that the petition had attacked. The patriot writers called the accusations “a malicious slander . . . upon a number of the most respectable inhabitants of this province.” By initiating a counterattack in the newspapers, Otis and the editors of the *Boston Gazette* hoped to turn back the charges against Barons and his merchant allies.⁴⁵

On March 2, the editors of the *Gazette* struck again, this time in an ad hominem attack on Paxton. Under the transparent guise of a satirical history of “Charles Froth, Esq.,” the editors flayed Paxton’s character and laid open his relationships with leading members of the government party. Describing Froth as “the second son of a family of indifferent circumstances,” the editors followed him through his early career as a vendue master of the admiralty court (“being well-versed in slight of hand, he could vibrate, and flourish a mallett, as dexterously as a German kettle drummer”) to his assumed role as a gentleman and his efforts to ingratiate himself with “Sir Thomas Graspall” (Hutchinson), whose chief occupation was the accumulation of justiceships. “As to moral principles,” remarked the *Gazette*, “twas believed [Froth] had none; his character was remarkable for insincerity, pride, haughtiness and deceit.” The author of the satire then took direct aim at Bernard himself as “another of Charles’s intimates” who had profited by the mysterious goings-on at the admiralty court. The article charged that Bernard, who had been impoverished by the purchase of his commission, wanted “to canvass

money [so] fast” that “he drove on like a fury; and in a short time from nothing got about twenty thousand pounds sterling, which soon made a whirligig of his head,” so that now he thought of himself as “a great man” and has assumed “monstrous airs.” The satire struck such a responsive chord that Otis was forced to publish a public denial of authorship in the next issue of the *Gazette*.⁴⁶

In the fall of 1760, Barons first sought to strike back at his customs house rivals by revealing to the public the large amounts of money that the vice-admiralty court had habitually paid to professional informants. Such revelations caused predictable furor and prompted the merchants to retaliate through their proxies in the General Court by filing the case of *Gray v. Paxton* and challenging the legality of the writs of assistance. At this time, Barons’s cause also became fused with the Otis family’s private pique against Bernard and Hutchinson. The younger Otis would prove invaluable to the merchant-smugglers both as a courtroom advocate and as a newspaper controversialist, supplying them with a deeper ideological basis for their cause and a broader popular appeal.

Barons’s Second Suspension, April–December 1761

While the editors of the *Boston Gazette* were carrying on the counter-attack with such success, Barons’s personal situation was deteriorating rapidly. In his capacity as collector, he had admitted the *Swallow* to a legal entry (aboard which, it will be remembered, Paxton and Temple later found ten chests of foreign tea). Barons had unfortunately accepted at face value the master’s declaration that the *Swallow* was bound in from Tenerife in the Canary Islands with only a small cargo of wine aboard. When the condemned sloop was sold at auction, none of the Boston merchants would bid on it, and thus the *Swallow* sold for only £40 sterling, a bitter disappointment to the customs officers. As Surveyor General Lechmere debated the advisability of sending Barons back to England once again, this time to explain his role in the recent proceedings, Paxton seized the opportunity to present Lechmere with a long list of charges against Barons. The list included assertions that the wayward collector had endeavored “to abolish and render inactive the Court of Admiralty” and “to intimidate and prevent the Custom house Officers from doing their

duty." Paxton further claimed that Barons had "stirred up and promoted the Merchants of Boston" so that they would no longer submit to the Acts of Trade and had "contrived and promoted a general Persecution against . . . Charles Paxton for no other Cause or Pretence but his extraordinary Diligence in preventing Illicit Trade." The charges also mentioned that Barons had in the presence of Robert Temple said that "writs [of assistance] were against law" and publicly declared that "if the Governor did not give up Mr. Paxton . . . to the Resentment of the People, his government would be made uneasy to him."⁴⁷

Upon receiving the charges, Lechmere requested in writing that Bernard and admiralty court judge Chambers Russell help him make a full inquiry, and on February 18 they convened the first secret hearings on the matter. From February 18 to April 16, Bernard, Lechmere, and Russell heard a long series of witnesses, including customs house officers Paxton, Temple, and Hatch; admiralty court officials George Craddock and William Story; Attorney General Trowbridge; and the informant Ebenezer Richardson. At the conclusion of the hearings, Paxton's charges, together with the witnesses' depositions and the tribunal's decision against Barons, were sent to the Board of Customs in London. The tribunal heard all the depositions in secret, and even though several Boston merchants (John Erving, Sr., John Rowe, Benjamin Hallowell, Sr., and Solomon Davis) were mentioned by name, neither they nor Barons were given any opportunity to speak in their own defense. Two of the participants in the hearings, admiralty court register William Story and Thomas Hutchinson (who in his capacity as chief justice had taken the deposition of deputy admiralty court judge George Craddock) would later suffer greatly because of their role in the proceedings.⁴⁸

Confident that the secret depositions would do their work when read in England, Francis Bernard believed by late April that the fury of the Barons affair had begun to subside and that the government party was once again firmly in control. In an effort to explain away the extraordinary events of the last few months, Bernard reported to John Pownall that "Barons was made a tool of by the Merchants, and they were made the tools of 2 or 3 designing men in the house." He hastened to add, however, "I have the strongest assurance that the persons that have given me the most trouble intend to act a different part for the future."⁴⁹ Within days of writing the letter,

Bernard would find himself sadly mistaken, for a new incident had shattered the ostensible calm and prompted Bernard and Surveyor General Lechmere to suspend Barons again even before the Board of Customs had time to review the charges against him.

William Pitt's circular letter to the North American governors commended their attention to choking off "the most pernicious Trade carried on by the King's Subjects . . . to the French Settlements on the Continent of North America, particularly the Rivers Mobile and Mississippi." Bernard had responded the previous November, after consulting with the Council, that he knew of no illegal trade between Massachusetts and French Louisiana; therefore he doubted that any of the citizens of his government were involved. Sometime on either April 29 or 30, however, Charles Paxton came to the governor with information that the sloop *Pursue*, laden with a rich cargo of indigo and animal skins from New Orleans, was anchored behind one of the islands in the outer harbor, awaiting an opportunity to run the French goods ashore. Acting quickly, Bernard dispatched Gideon Thayer, the deputy sheriff, together with a file of soldiers from Castle William (the fort guarding the entrance to the inner harbor), to help comptroller Robert Temple make the seizure.⁵⁰

Barons—who the day before had allowed the mate of the *Pursue* to enter the sloop as bound in from St. Thomas with a cargo of only three hogsheads of molasses and two of sugar—moved with equal speed. No sooner had Temple and Thayer seized the sloop than a boat came alongside. One man in it said he came from Mr. Barons with an order to seize the vessel and demanded possession of it. Denied permission to come aboard, Barons's men attempted to clamber over the gunwales of the sloop until one of them received a slight prick from a soldier's bayonet. At this point, Barons's men desisted and went off, though not without "Many threats of Mr. Barons resentment."⁵¹

Desperate, Barons stormed into the house where Bernard was dining that afternoon, telling him "with great heat . . . that there was end of the Custom house, if the Governor was at liberty to employ soldiers of the Castle in preventing Custom house officers seizing contraband vessels & that he should send home a complaint of it." Bernard defended his role and told Barons that if he had a claim on the vessel, he could make it in admiralty court when the case came to trial. Still smarting from his defeat the next day, when he en-

countered Gideon Thayer, Barons abused the sheriff “with very gross words,” swearing, “Damn you, you’re a pack of rascals, your Governor & all, and you may go and tell him so.” On May 28, Thayer filed a complaint against Barons before justice Richard Dana, who considered the case weighty enough to bind Barons over to appear before the next meeting of the Court of General Sessions. Not surprisingly, merchants John Rowe and Benjamin Hallowell, Sr., quickly volunteered to act as sureties for Barons’s £100 bond. Barons clearly blamed Bernard for Thayer’s suit and did not scruple in making his opinions common knowledge, even to the extent of vowing one day that he would have “satisfaction” of Bernard if he ever met him “out of his government.” Barons further declared that Bernard would not be the governor in Massachusetts two years longer and hazarded to predict who his successor would be.⁵²

These latest excesses proved too much. On June 20, Surveyor General Lechmere informed Barons that he was once again suspended from office. “It is with regret,” wrote Lechmere, “that I am obliged to write you after this manner, but real necessity calls for it, your unbecoming behavior toward the Gov^r has been such that I cannot help taking some notice of it.” Barons initially refused to recognize the suspension until Lechmere sent more specific charges outlining Paxton’s accusations against him. Once his fate was certain, however, Barons turned on Lechmere, filing a civil suit against him for £10,000 lawful money (Massachusetts currency, not sterling) in damages as recompense for his loss of income and the expenses he had suffered in being twice suspended. At the same time, Barons also filed suits against George Craddock—who again was his replacement—and Paxton, his chief accuser. Lechmere would have languished in jail, if government party councillor and ex-merchant Thomas Flucker had not posted bond for him.⁵³

Even though the three last-mentioned suits were never brought to trial, the docket of the Inferior Court during the spring and summer of 1761 was already crowded with litigation pertaining to Barons and the merchants. The justices heard not only Deputy Sheriff Thayer’s complaint against Barons and *Gray v. Paxton* (the province’s effort to regain the funds siphoned away by the extraordinary charges of the admiralty court), but also *Erving v. Craddock*, a suit for trespass filed by councillor John Erving with regard to the seizure of his ship *Sarah* in May 1760. “The pretence for this last

action was," according to Bernard, "that the Seizure was illegal . . . & that the payment of Mr. Erving was not voluntary but extorted by violence and duress." "Upon this shadow of reason," reported the governor, the two judges of the Inferior Court (one was Samuel Welles) directed the jury to find a verdict in favor of Erving and to "give him for damages every farthing he was out of pocket." Bernard was further incensed that in his instructions to the jury, Welles had declaimed that "they must put a stop to the proceedings of the customs house officers," because "if they did not, there would be tumult and bloodshed for the people would bear with them no longer."⁵⁴ Prompted by such instructions, the jury awarded Erving £600 in damages.

The proceedings in *Erving v. Craddock* were particularly remarkable, observed Bernard, since "Mr. Erving, according to the usage of these Courts, spoke a great deal for himself," admitting everything necessary to prove that he had incurred a forfeiture and declaring that he had only acquiesced "in expectation that a time would come when he should have his revenge! a word he used several times to express the purpose of his conduct." Even after the verdict, Erving boasted that the principal merchants of London would support him against any representations the governor could make.⁵⁵ "It is generally understood," concluded the governor, "that Mr. Erving's is only the leading action to a great many others; and that if he meets with success, Everyone who has goods condemned . . . will bring actions against the officer who seized them."⁵⁶ Bernard watched anxiously as Craddock appealed the lower court decision to the August sitting of the Superior Court, where he hoped for a more favorable hearing from chief justice Thomas Hutchinson.

Charles Paxton was also forced to appeal when the lower court ruled against him in his case. An alarmed Bernard wrote to the Lords of Trade, characterizing the merchants' suits as a systematic attack on the customs house and the Court of Admiralty "by overhawling the Decrees of that Court before a Jury" through "frequent Actions at Common Law." According to Bernard, "the chief subject of the harangues of the Council for the plaintiff (and some of the judges too) were on the expediency of discouraging a Court immediately subject to the King and independent of the province & which determined property without a jury." The lawyers also argued for the necessity of putting a stop to the practices of the customs house officers, for the people would no longer bear having their trade kept

under restrictions that their neighbors (that is, Rhode Island) were entirely free from. "One gentleman who has had a considerable hand in promoting these disturbances," added Bernard, "has been so candid as to own to me that it was necessary for the ministry to interpose & procure them justice (as they call it) in repealing or qualifying the Molasses Act." Thus Bernard saw the legal attack on the admiralty court as only the entering wedge of a wholesale campaign to prevent the renewal of the Molasses Act and perhaps nullify the other Acts of Trade.⁵⁷

Even while Otis and the merchants were pressing forward their legal attack, Bernard and other members of the government party were intensifying their vilification of Barons in letters to England. On July 8, Surveyor General Lechmere wrote to the Board of Customs justifying his second suspension of Barons. He forbore charging Barons with collusion in recording the false entries of the *Swallow* and *Pursue* but noted that it was surely negligent for the collector to allow the captains to enter such small cargoes without inquiring further. Bernard, however, was less timid in his characterization of Barons: "I never met with [any]one like that Gentleman, so wonderfully wrongheaded and so wantonly mischievous," he marveled to John Pownall. "I can truly say that all the trouble I have had in this Government is owing to him & his confederacy." Pownall, the secretary of the Board of Trade, concurred that "the indiscretion of Barrons has been amazing," noting that even his friends in England "all condemn him." But Pownall cautioned that many in London regarded the expenses of the colonial admiralty courts as "shamefully exorbitant" and that such conduct in one or two instances had been "pretty severely censured."⁵⁸

During the August term of the Superior Court, Hutchinson and the other justices moved to support the beleaguered government party. Sitting without a jury in the case of *Gray v. Paxton*, they quashed the proceedings chiefly on technical grounds: that Gray did not have the right to sue ex officio for the province's money. In *Erving v. Craddock*, Hutchinson forcefully summed up the case in favor of Craddock, but a Boston jury defied the chief justice's instructions and awarded Erving £740 in Massachusetts currency in damages. Craddock, at Bernard's encouragement, appealed the case to England, and Erving later discharged him from the judgment to avoid further legal expenses in the lengthy appeal process.⁵⁹

The seizure of ten chests of foreign tea aboard the *Swallow* in early February 1761 enabled Charles Paxton to bring formal charges against Barons for continued neglect of duty. Governor Bernard and admiralty court judge Chambers Russell then made the fateful decision to take secret depositions against the collector, in which several Boston merchants were identified by name as smugglers without being allowed an opportunity to defend themselves. Before English authorities had time to act on Paxton's charges, however, Barons was once again suspended for suspected complicity in the case of the Louisiana trader *Pursue*. Private animosities spilled over in a new round of court cases, which were decided in favor of Barons and his merchant confederates in the lower courts but later reversed by Chief Justice Hutchinson and the Superior Court.

Barons's Last Offensive, December 1761–February 1762

Though defamed by representations sent to England by his superiors, Barons could at least soothe his hurt pride in the full sympathies of his merchant allies. "Poor B. Barrons the Collector is Suspended by that Old Fogrum Letchmere," John Rowe wrote to a correspondent, adding that it was "the most Malicious thing that perhaps was ever done. The poor man is not only destitute £600 Sterlg. pr. annum but his peace of mind is Broke & his health much Impair'd." On August 13, the Boston Society for Encouraging Trade and Commerce met to frame a petition on the collector's behalf. The petition hailed Barons as "a Friend and Protector of the lawfull Trade of this Port" and charged that the circumstances surrounding his two suspensions gave reason to conclude that "private Pique" had gained "too great an ascendancy" in the proceedings against him. Of the ninety-seven merchants who signed the document, thirty-eight had been among the petitioners to the General Court who initiated the attack on the admiralty court, and seventy-one were charter members of the BSETC. The list included principal merchants John Rowe, John Amory, John Erving, Jr., Thomas Greene, Nicholas and Thomas Boylston, Gilbert and Lewis Deblois, John Avery, and Benjamin Hallowell, Sr., as well as a number of prominent future patriots: Thomas Cushing, William Molineux, William Phillips, John Scollay, Royal Tyler, Henson Inches, Joshua Henshaw, and Samuel Phillips Savage. A group that would be sharply divided later in the decade, they now exhibited

remarkable unanimity. Very few merchants, except those with close ties to the government, opposed the effort to reinstate the ill-starred collector.⁶⁰

The merchants also appointed a separate committee to draft a covering letter for the petition addressed to Barons's powerful friend, Admiral Sir Charles Hardy. "Nothing would have induced us to interest ourselves in a matter of disagreement between the King's Officers," the merchants professed to Hardy, "but a regard to the Reputation of a Gentleman whose behavior has afforded very general Satisfaction." The petitioners hoped that they would "be looked upon as disinterested persons, not withstanding the pains that have been taken" to represent them in a different light. So far had they been from entering into combinations to elude the Acts of Trade that the merchants ventured to aver that in no part of the American colonies were illicit traders so proportionately few in number as in Massachusetts. Therefore they doubted that the commissioners of customs could believe that they had entered into a petition on Barons's behalf so that they could carry on an illicit trade with greater ease. Barons, they concluded, is "an upright Officer neither disposed on the one hand to wink at the violations of the Acts of Trade to the prejudice of the Revenue, nor on the other to make a handle of them to injure & oppress the innocent Subject."⁶¹

As the merchants' letter suggests, much of their discontent at this time can be attributed to the sharp contrast between the punctilious way the Crown's revenue laws were enforced in Massachusetts and the lax way they were administered in nearby ports. Seizure-hungry officers like Bernard and Paxton watched Boston Harbor carefully, while at nearby Newport, for the time being at least, the merchants and the customs officers appear to have reached an easy accommodation. In early September 1761, the Boston customs establishment advertised a £100 reward for information leading to the seizure of a ship reportedly laden with Dutch tea then hovering off the New England coast. When the ship in question, the *Venus*, was openly allowed to make a partial entry of its cargo at Newport before clearing for New York, the Boston merchants were outraged. Bernard saw the incident as symptomatic of a larger problem. "The Open & Barefaced disregard of the Laws of Trade, which is now carried on by the most dangerous practices in Rhode Island, has rendered the Merchants here no longer disposed to submit to the usual restraints,"

Bernard complained to Pitt (in a letter perhaps never sent). Summarizing the grievances of the Massachusetts trading community for the secretary of state, Bernard added,

The whole of the Merchants complaints may be reduced to this: That it is very hard that the Merchants of this Province, who desire at least as much favor as Any other of the Continent, should be restrained in their trade while their Neighbours are allowed to carry on an unbounded trade with any parts of the World they please. . . . It is a reasonable requisition That these distinctions be removed, either by letting the ports of this province be as open as those are, or by laying the latter under the same restraints that these are.

Bernard concluded by saying that he had assured the merchants of the reasonableness of their request and counseled them to be patient until the end of the war, at which time the ministry could turn its attention to administering Rhode Island more effectively.⁶²

Even as the merchants were anxiously awaiting the results of their petition supporting Barons, some of the best informed among them had begun to lose hope. After a BSETC meeting on October 26, John Rowe wrote to his friend Thomas Saul, acquainting him with Barons's second suspension and hinting that Saul might use the information to his own advantage if he himself were interested in seeking the collectorship at Boston.⁶³ One by one, the merchants began to desert their hapless confederate.

At the very moment Barons's American friends had begun to leave him, his fate was being decided in England. On December 12, 1761, Lord Barrington, the secretary of war, wrote Governor Bernard, his cousin by marriage, telling him that "Barons is turn'd out with the entire approbation of the Treasury, Board of Trade & Customs." According to Barrington, he was removed entirely on the basis of official representations against him.⁶⁴

Although word of his dismissal could not have arrived before mid-February, Barons must have sensed that the tide was turning against him. In December 1761 he launched a hopeless, last effort to strike out against his enemies, involving private insinuation and public attacks in both the press and the General Court. He may have been assisted in his campaign by the newly arrived surveyor general, John Temple, who probably supplied the collector with the first de-

tailed account of the charges Paxton and Bernard had made against him. Certainly, Bernard later indicated that Temple had arrived in mid-November with "the most favorable intentions toward Mr. Barons & had I believe predetermined (as much as he could without knowing the case) to restore him." Once the savvy Temple learned the strength of the opposition against Barons, though, he quickly backed away from his dangerous new friend.⁶⁵

Throughout the fall, the courts continued to be a battleground between the merchants and their government party antagonists. On September 21 a new action was brought against Paxton for illegally withholding funds from the proceeds of seizures. Because the Superior Court had disallowed the earlier suit of *Gray v. Paxton* on the grounds that Harrison Gray could not sue in person for money rightfully belonging to the province, the new action against Paxton was brought in the name of the Province of Massachusetts Bay. By various means, Paxton was able to have the case continued until January, when the jury finally found for the plaintiff, and Paxton once again appealed to the next session of the Superior Court in hopes of a more favorable hearing.⁶⁶

On November 18, 1761, the famous case of the writs of assistance reopened before the Superior Court. The main elements of the case and James Otis's role in it are too well known to need recounting here. Suffice it to say that the court had hesitated in granting a writ to James Cockle, the new collector at the port of Salem, when he applied in the fall of 1760. The information from England available at that time led a number of merchants to believe that both the form and usage of the Massachusetts writs were questionable; thus, a group of sixty-three merchants (a group almost identical to the petitioners to the General Court in *Gray v. Paxton*) requested the Superior Court for a full hearing on the legality of the writs. The hearing opened on the third Tuesday in February 1761 and ran for three days, during the course of which Otis delivered a speech so electrifying that John Adams later declared that it was on that day "the child Independence" was born. Chief Justice Hutchinson, fearing that Otis's eloquence would carry the day, arranged to have the case continued long enough for him to obtain evidence from England that such general search warrants were routinely issued there by the Court of the Exchequer. Thus, when the court heard arguments again on the

case in November 1761, Hutchinson was able to produce a copy of the comparable writ used in England and to persuade his fellow justices to begin issuing the writs again to the customs officers.⁶⁷

In their next issue, the writers of the *Boston Gazette* wailed with alarm. "Is it not notorious," asked a "Fair Trader," "that the Acts of Trade are no where executed with Rigor but in this Province?"

We are watched with the utmost Severity—Private Informers, the Disgrace of Civil Society, are multiplied and well paid at Our Own Cost. Uncustomed Goods are seized to the utmost farthing. . . . Writs of Assistance are now established and granted to officers of the customs who were thot to have enough power over us before. . . . We ask no favor—[but] we complain of inequality and we have a right to complain. . . . Let us be on an equal footing with our Neighbours. . . . We want nothing but to be as free as they are, or that others should be restrained as well as we. This is reasonable . . . [and] WE HAVE A RIGHT TO CLAIM IT.⁶⁸

The Boston merchants were clearly seething with indignation at the seeming inequity of their predicament.

Two weeks later a heavily satirical article appeared in the *Gazette*, arguing that trade under these circumstances was a great injury to Massachusetts and therefore ought to be stopped. But since trade was so beneficial to the mother country, the *Gazette* concluded, England would never allow it to perish; therefore, the writers suggested putting all existing laws into "the *most rigorous execution*," which would surely stop trade more effectually than any other method. For such a purpose, the device of the admiralty court would serve nicely. "The merchants," the writers admitted, "will soon cry out . . . but what of it? Their clamours, I'll warrant ye, won't last till they can get themselves united in any one measure of opposition and until they are united THEY WILL BE ABLE TO DO NOTHING TO EFFECT."⁶⁹

It was in this inflamed state of public opinion that Barons launched his last campaign to save his office. By this time, private reports had begun to filter back to Barons that his case was not going well in England. In a confidential letter to Melatiah Bourn, one of his chief allies, Barons pointed out some of the reasons for this lack of success. He had heard a rumor that the merchants' letter to the customs commissioners protesting his dismissal might actually do him a

disservice, since the British tended to view the Boston merchants as “turbulent” and suspected that they were “greatly concerned in illicit trade.” Barons hinted that such a characterization of the merchants probably came from Governor Bernard himself, but he suggested that Bourn take the matter up with the ship captain from whom he had heard the rumor. Barons requested only that no mention be made of his name in any subsequent discussion of the way the merchants were viewed in England. Still smarting from reports of the secret testimony taken against him, Barons remarked bitterly that Bourn might even want to take the sea captain’s affidavit, since the government seemed “so fond of depositions.” In one final parting shot, Barons mentioned another report that Lieutenant Governor Hutchinson had taken depositions against the collector “in a most private manner,” and he warned Bourn that “an equal caution on the part of the merchants may not be improper to be observed.”⁷⁰ In his letter, Barons artfully poisoned the minds of the merchants against Bernard and Hutchinson in a way that would subsequently cause each official great pain.

Other sources soon confirmed the rough outline of Barons’s report. New Hampshire’s Theodore Atkinson received a report from a correspondent in England stating that Governor Bernard in his letters to the board had called all the merchant petitioners “rascals and smugglers” and that this had prompted the board to inquire of various London merchants about the truth of that assertion. According to Atkinson’s correspondent, when the board held hearings on the matter, they had “had scenes of iniquity opened to their view.”⁷¹ Thus the merchants now needed to defend not only Barons but themselves as well.

Throughout the trading community, word spread quickly of the interpretation that was being given in England to the merchants’ championing of Barons. In the midst of their most virulent attack to date on the writs of assistance, the writers of the *Boston Gazette* paused to assert that it “has been represented by these persons [the customs officers] and THEIR PATRONS, as if we had combined to break thro’ all just restraints of the laws of trade and to force a free port.” And again in the *Boston Gazette* on February 1, James Otis, writing pseudonymously in one of his favorite poses as a rube from Salem, noted that he had heard that “the whole body of merchants is traduced, by scandalous narratives, and malicious misrepresenta-

tions, sent home by the very men who oppress them.”⁷² The merchants were now fully aware of just how deeply they had been implicated in Barons’s case and were ready to fight back with all the resources at their command.

Bernard quickly sensed the sinister change in tone of the newspaper articles and wrote nervously to Lord Barrington of an effort to libel the governor and inflame the public assembly. On February 2, 1762, the speaker of the house read a letter from Barons, which stated that one of the charges against him (information he could have had only from John Temple) claimed he had endeavored, by misrepresenting the governor’s conduct, to make a disagreement between the governor and the two houses of assembly. Barons’s letter asked the House to inquire into the matter and send its finding to England so that the charge would not be given any credence there. “I beg permission to conclude,” Barons added, “that ever since my being in this province I have endeavoured to demean myself with a becoming propriety to the laws and customs thereof.” He asserted that he had been “most *falsely* and *maliciously* represented as an encourager of illicit trade” and an instigator of “an unwarrantable clamor.”⁷³ Perhaps the House sensed Barons’s impending downfall; at any rate, it tabled the letter, never to raise it again for discussion.

Having failed in the General Court, the merchants announced in the pages of the *Boston Gazette* a special meeting of the BSETC on the subject of representations necessary to send home to England. The society met twice in the next two weeks, and on February 18 a committee of nine merchants, including John Rowe, John Avery, and Melatiah Bourn, drafted a second memorial on the Barons controversy. The committee noted that the society’s previous memorial was not intended “to serve or please any Party” but solely to do justice to one whom they regarded as “an upright tho’ much injured Gentleman.” The merchants added that they were “greatly surprized to find that they are now obliged to vindicate, not Mr. Barons only, but themselves too, from the unjust Aspersions” that had been cast upon them.⁷⁴

In the main body of their memorial, the merchants leveled specific charges against Charles Paxton: that he had acquired a large fortune in his capacity as a customs officer and functionary of the admiralty court, and that he had libeled parcels of brandy as “distilled spirits” in order to prosecute under the more remunerative

(for him) provisions of the Molasses Act. The merchants defended Barons's role in the writs of assistance case and even claimed that he was the only member of the customs service to advance money to support the Crown's side in the case. "We therefore look upon Mr. Barons," the committee concluded, "as very much abused, when he is complained of . . . as being principal in a confederacy with us to act in opposition to the Court of Admiralty." Barons had never attended their meetings, they asserted, nor was he ever, to their knowledge, made privy to any of their intentions.

No officer of his rank ever made so few connections with the Trade . . . [and] he is personally known to very few, otherwise than as Collector of his Majesty's Customs.

Moreover, we look upon ourselves as greatly injured by the Representation which Mr. Paxton has made of us. . . . We [only] complained of some unjust Attempt on our Rights [and] we obtained redress.

Further, the merchants claimed that the writs of assistance were "an unwarrantable stretch of Power and attack upon our Liberty." They presumed that "a legal Enquiry will never be charged to us as a Crime, which is the distinguishing and darling Virtue of English People: From them we sprang and like them we hate Tyranny."⁷⁵

The merchants, however, reserved their choicest words to describe Governor Bernard. They were indeed sorry they found it necessary to vindicate their own conduct because of the way he had represented their character; he was a gentleman from whom they had "a right to expect kinder treatment." They professed that their behavior toward Bernard had always been "very respectful" and that they were at a loss to account for his conduct, except to assume charitably "that a particular friendship for, and close connection with Mr. Paxton led him into it." The merchants concluded by requesting that should Bernard's letters contain any further accusations other than those that had appeared in Paxton's charges against Barons, they be allowed an opportunity to respond.⁷⁶ Hence, the focus of the merchants' concern had now shifted from attempts to restore Barons to an effort to clear themselves from the charge of their implication in illicit trade.

Leading merchants followed up the committee's memorial with correspondence of their own. In particular, John Rowe wrote to

Messrs. Lane & Booth, one of the leading London merchant houses in the North American trade, noting, "It gives great uneasiness to most of us to see the usage and art which has been made use of to destroy . . . an honest man." He added, "We find the merchants have been pretty roughly handled in a representation from our governor," and requested that Lane & Booth "do what's necessary to support our reputation," and by all means "to get a copy of the Governor's representation."⁷⁷ Ever the artful intriguer, Rowe was constantly scheming for the merchants' advantage.

Meanwhile, as the merchants were venting their frustration in letters and memorials home to England, the Superior Court was sitting for the last time in the appeal of *Province of Massachusetts Bay v. Paxton*. At the conclusion of the oral arguments, in which the attorneys for the province had argued that the Court of Admiralty was "not congenial with the spirit of the English constitution." Hutchinson "summed up the cause to the jury, so as to shew that the action had not been supported." The chief justice instructed the jury in terms that admitted no misunderstanding that "money paid under a decree of a Court of Vice Admiralty cannot be recovered by an action at common law," and cautioned them against departing from the rules of law, and consequently from their oaths, in order to comply with the popular prejudices of the day. The jury then held for Paxton. Thus, the legal effort initiated by Barons and his confederates ended in failure and frustration. In every instance except *Erving v. Craddock* (which had died of its own accord), Thomas Hutchinson had successfully intervened to check the merchants' legal attack.⁷⁸

Historians searching for an explanation of the Boston radicals' dislike of the Superior Court need look no farther. Within the month, the General Court had reduced the judges' salaries and established a committee to consider a new proposal for changing their terms of tenure from the present arrangement, where they served at the king's pleasure, to service "during good behavior." The General Court also began at this time a campaign to prevent Superior Court justices from sitting in either the Assembly or the Governor's Council, an effort that did not meet with complete success until Thomas Hutchinson was finally driven from his seat on the Council in 1768. The depth of feeling against Hutchinson can be gauged by John Adams's fulminations in his diary almost four years later.

Who is it that has always given his opinion in favor of prerogative and revenue . . . ? Who is it that has endeavored to bias simple juries, by an argument as warm and as vehement as those of the bar, in a case where the province was contending against a customs-house officer?⁷⁹

It is clear that the memory of Hutchinson's actions in blocking Barons and Otis lingered long in the minds of the most ardent patriots.

Governor Bernard was less apt to credit Hutchinson as the principal upholder of the admiralty court's jurisdiction. In lamenting that he was no longer on good terms with the merchants, Bernard commented to Barrington that the merchants were "preparing papers to be sent home, which, I believe will answer no other purpose than to keep up the remembrance of things which they should desire be forgotten." A few of them, according to Bernard, "labour hard to get some clauses reflecting on me included: but I can't blame them; if it had not been for me, there would have been now neither Court of Admiralty nor Customs House here." Bernard added that he was not unsympathetic with some of the merchants' cries for redress; he only objected that "they don't use proper means nor take the proper time. I tell 'em again & again that they must wait for the conclusion of the peace . . . and assure them that at such time I will assist them to the utmost of my power."⁸⁰

"The last Effort of the confederacy against the Custom house & Laws of Trade" was made, as Bernard observed, on February 22, 1762, when James Otis introduced a bill that would substitute a provincial warrant for a writ of assistance. This warrant would require customs officers to swear before the Superior Court the name of the person informing on the customs violation and the place informed against. Such a warrant, Bernard noted, "would have been wholly inefficacious. This was covered with all the art the thing was capable of." Nevertheless, he boasted, "I was too well acquainted with the subject to be deceived in it. I had not the least doubt upon the first reading of it of rejecting the bill. Nevertheless it was very popular; & I knew negativing it would occasion a clamour." Therefore, rather than assent to the bill, Bernard prorogued the General Court. In commenting on Bernard's handling of the merchant agitation, Thomas Hutchinson observed, "A troublesome session of the General Court is at an end. The governor for the sake of peace complied, I think,

further than he would otherwise have inclined to have done with the opposers of the government and found by experience the truth of [Robert] Walpole's saying that one expedient makes necessary a great many more."⁸¹

The high-water mark of support for Barons's cause was reached in August 1761, when ninety-seven members of the Boston Society for Encouraging Trade and Commerce petitioned the Treasury on his behalf; soon thereafter his fortunes ebbed and one by one his friends began to drop away. Even Barons's hints that the merchants themselves were implicated in the charges against him procured only a temporary revival of his cause. By February 1762, the confederacy of merchants to suppress the laws of trade and the vice-admiralty court had expired, as Thomas Hutchinson once again intervened in his capacity as chief justice to blunt their legal arguments.

The Collector's Legacy, 1763–1770

Little is known of Barons's career beyond this point. He evidently returned to England, for in March 1763 he presented a memorial to Lord Bute that reiterated the events of his own turbulent career. Barons blamed his woes on his enemies' "Ill will and Malignity" and on his taking note of "some Irregular Proceedings of the Court of Vice-Admiralty . . . by which . . . his Majesty's Revenues were greatly Lessened and Impaired." Barons termed Bernard's investigation of his conduct "a most unconstitutional and unprecedented Examination" and blamed it for his second suspension and "the utter ruin of [his] private fortune." Barons was still in England late in the year, when Thomas Cushing, the new speaker of the Massachusetts House, recommended Barons to colony agent Jasper Mauduit as one "well acquainted with the nature of our Trade" and fit to be consulted on the colony's campaign to prevent the renewal of the Molasses Act. By 1765, however, Barons was back in the colonies again, this time in South Carolina, where as deputy postmaster general he was meddling in public affairs in the aftermath of the Stamp Act furor.⁸²

Although Barons himself may have faded from the Massachusetts scene, his merchant allies continued to nurse grudges against their government party enemies. Hutchinson and the other justices

of the Superior Court were harried from their seats on the Council. In June 1768, Charles Paxton, then one of the newly appointed American commissioners of customs, was forced to take refuge at Castle William in the wake of a riot following the seizure of John Hancock's sloop *Liberty*. In 1769, Francis Bernard was hounded out of the colony, with a number of the formal articles of complaint sent home against him pertaining directly to his conduct in the Barons affair. Even the lowly Ebenezer Richardson met his due when he was nearly lynched in 1770, at the height of the nonimportation controversy, for discharging a gun into a crowd gathered outside the shop of one of the key importers and killing eleven-year-old Christopher Sneider.

Thomas Hutchinson, however, paid by far the greatest price when his house was destroyed by a Boston mob during the second Stamp Act riot on the night of August 26, 1765. At the time of the riots, Governor Bernard noted, "Everything that for years past had been the cause of any popular discontent was revived; & private resentments against persons in office work'd themselves in & endeavoured to execute themselves under the mask of public cause." Chief among these old sources of discontent was "the affair of the attack upon the Admiralty and Customs House," which, although it was at this time four years old, "was brought up again, & made as fresh as if it had been a business of yesterday."⁸³

The reason for the revival of the incident, Bernard observed, was that Briggs Hallowell, the son of Benjamin Hallowell, Sr., had been in London two years before and had contrived to gain sight of the depositions that had been sent home against Barons. "Upon his return to Boston," according to Bernard, Hallowell took it upon himself to report the substance of the depositions "with additions of his own & concluded with an assertion that the whole body of merchants had been represented as smugglers." Hallowell gave a certain permanence to the report by reducing his story to writing rather than just recounting it orally. The paper soon made the rounds of all the merchants, causing great alarm because, according to Bernard, Hallowell had asserted "without the least foundation in truth, that they were represented at home by name." Following Bernard's version of events, "the Clamour as usual descended from top to the bottom of the town, and several persons' houses began to be threatened." In the governor's opinion, "This was truly the Principal if not the Sole Cause of the second insurrection which has had such shocking Effects." The

riot of August 26 began with a visit to Charles Paxton's, where a wise landlord bought off the mob with a barrel of punch. The crowd then moved on to the home of William Story, the register of the Admiralty, where they "took out all the Books & papers among which were all the Records of the Court of Admiralty, & carried them to the Bon-fire & there burnt them." The evening reached its frenzied culmination when the mob broke into Thomas Hutchinson's house, destroying its elegant contents and scattering them into the street.⁸⁴

Hutchinson himself concurred in this interpretation of events. Concerning the depositions, the lieutenant governor later commented, they had all been seen at the Plantation Office by Briggs Hallowell, "who reported that complaint was made in them of John Rowe, Solomon Davy [Davis], and other merchants as illicit traders." According to Hallowell's version of the depositions, all the testimony had been sworn before Hutchinson, when in fact he had taken the affidavit only of deputy admiralty court judge George Craddock. Since Craddock's deposition contained no explicit references to any merchants except John Erving and since Hutchinson may well have never seen Paxton's and Richardson's damning evidence (which specifically named Hallowell, Rowe, and Davis), perhaps the lieutenant governor could honestly say that "he had not any knowledge of their names being mentioned." Such handy distinctions could do little to save him when, in the midst of the Stamp Act furor, the people "were easily induced to violence against any crown officers," and particularly Hutchinson, whom they suspected of having favored the hated new legislation. One source places John Rowe and Solomon Davis at the head of the crowd that night, and Hutchinson himself claimed that Rowe later acknowledged stirring "up the mob to attack the houses of the Custom House officers, . . . and the Chief Justice."⁸⁵

With the leveling of Hutchinson's stately mansion, the Barons episode came to a suitably indecorous close, but the luckless collector's shadow lingered over Boston politics. During the two-year battle to reinstate Barons, his smuggler allies had risen to important positions of leadership within the Boston Society for Encouraging Trade and Commerce and the town government, thus fulfilling advocate general William Bollan's prophecy of two decades before: "Unless effectual measures are Speedily taken to Stop this Growing Evil [smuggling]; the Illicit Traders will by their Numbers, Wealth and Wiles have got such power in these parts that Laws and Orders may

come too late.” Bollan had early warned that some smugglers might begin to justify their practices, “having persuaded themselves that their trade ought not to be bound by the Laws of Great Britain.”⁸⁶

The turbulent events of the early 1760s pushed smugglers like Melatiah Bourn and Solomon Davis to new prominence within the merchant community. It was they who first took up Benjamin Barons’s cause and gradually persuaded other more circumspect merchants that they were acting for the good of all. In forming the BSETC, they helped found an institution that would remain the mouthpiece of the Boston merchant community for the remainder of the decade, and they seized a leading role on its committees. The effort to reinstate Barons, though ultimately unsuccessful, taught Bourn and Davis important lessons about both town affairs and transatlantic politics. Driven by hard times to defend the economic necessity of smuggling and the West Indies trade, the patriots sometimes found recourse to bribery, insinuation, intimidation, and blackmail. To teach Hutchinson a lesson, they even resorted to violence. But their government party adversaries behaved little better, conniving to make the most profitable distribution of the proceeds of seizures and cavalierly disregarding the right of those they accused to see what was said against them before the charges were dispatched to England.

The Barons affair also enhanced the status of smugglers like Bourn and Davis in the eyes of their merchant colleagues. It brought them out from their unobtrusive seats beneath the balcony to center stage. Throughout the remaining years before the Revolution, they were repeatedly called upon to serve both the town and the patriot cause. Neither the smugglers nor their merchant colleagues ever forgot the lessons they learned in this the opening campaign of their struggle against British efforts to restrict their trade within the confines of the Navigation Acts. Petitioning became the constant business of the merchants during the long crusade against the anticommercial legislation of the Grenville administration, and the rough tactics of blackmail and intimidation later proved handy in the battle with some of their own countrymen to keep alive the nonimportation agreements. The Barons controversy was a formative event for Boston merchant patriots, consolidating their leadership and imparting shape and style to the movement that would blossom into maturity before the decade was out.

2. The Changing Rhetoric of Merchant Grievances at Boston, 1763–1767



Plagued by declining trade and economic dislocation at the end of the Seven Years' War, Boston merchants in 1763 complained shrilly against a pattern of selective customs enforcement that, as they perceived it, hobbled their trade while nearby Rhode Island was free to pursue its own commerce heedless of the stipulations of the Acts of Trade. Far from finding fault with the navigation system itself, Boston merchants claimed that they wanted no more special privileges than those commonly accorded other parts of the empire. At this point, Bostonians believed that they wanted little more than to be treated fairly by the mother country.

The situation changed abruptly in 1764, however, when first lord of the treasury George Grenville sought to enhance Britain's revenues by closing all the loopholes opened in the Navigation Acts by over forty years of "salutary neglect." The Revenue Act of 1764 was in reality an instrument of revived, orthodox mercantilism, and with its passage a number of Bostonians realized that they fit only very uncomfortably into the classic pattern of imperial trade. The center of a geographically impoverished hinterland, Boston could

supply very few of the desirable raw materials that other colonies could provide to offset trade imbalances with Great Britain. Therefore, Boston merchants depended particularly on the credits they could earn in commerce with southern Europe and with the foreign West Indies. Grenville's measures, however, threatened both these trades (as well as illicit trade with northern Europe); without these profitable outlets, it seemed as if Boston's already withering trade would near extinction.

The Boston Society for Encouraging Trade and Commerce (BSETC) petitioned vigorously against the Revenue Act of 1764. Not surprisingly, many of the merchants most active within the movement were illicit traders and those especially concerned with the West Indies and southern Europe. They pleaded strenuously for special liberties, which they hoped would profitably reestablish their trade with the Iberian Peninsula, the foreign islands, and northern Europe. Thus, in response to the Revenue Act of 1764, Boston merchants escalated their demands. They no longer wanted just to be treated fairly with the other colonies. They now realized that certain aspects of Boston's trade would need exemption from the rigors of Grenville's revitalized mercantile system.

Fortunately for the Bostonians, Grenville fell from power in 1765 and his successor, the Marquis of Rockingham, was much more sympathetic to the colonists' entreaties. At the instigation of the North American merchants in London, the new administration soon sponsored a program of broad commercial reform (embodied in the Revenue Act of 1766 and the Free Port Act of the same year). This program granted nearly every concession the colonists had requested, retaining only the bare framework of the mercantile system: that the colonists should continue to take the majority of their manufactures from Great Britain. By 1766–1767, however, political and economic conditions in Massachusetts had changed so drastically that such a compromise no longer appeared acceptable. The smugglers had at last convinced their hesitant colleagues that nothing would do except that the colonies should return to the happy, unsupervised state that had existed prior to the close of the Seven Years' War. Gradually, Boston merchants had moved from a position of demanding fair treatment within the empire to a point where some advanced thinkers, such as James Otis, were demanding completely unrestricted trade,

preserving little more of the old navigation system than the British monopoly of the carrying trade, which had always proved so advantageous to New Englanders.

Boston's "State of Trade"

In 1763, at the time of the close of the Barons controversy, such radical thoughts were uncommon. When the merchants grumbled to governor Francis Bernard about the lawlessness of their Rhode Island neighbors, he attempted to placate them with the promise that Parliament would be sure to undertake a revision of the North American trade laws just as soon as the war was over. Ironically, when peace did come, instead of loosening policies on colonial trade with areas outside the empire, Britain tightened them.

While England staggered under a load of heavy wartime debts in the spring of 1763, Grenville and the other treasury lords cast about for new sources of income. On May 21, they requested from the commissioners of customs a formal explanation of why receipts from North America were so small. In preparing their report—dated July 21, 1763—the commissioners relied heavily on an investigation of illicit trade conducted in 1757–1759, which had focused on the illegal commerce of the colonies with Europe as well as their trade with the enemy in the foreign West Indies. To help remedy a situation that seemed to them nothing less than the complete collapse of the imperial system, the commissioners included three recommendations in their report: that all customs officials be required to reside at their posts; that their salaries be based on a percentage of their remittances and not on fees; and that the sixpence-per-gallon duty on foreign molasses be lowered in the hope that a more reasonable tax might induce greater compliance and generate more income. The Grenville administration put the first recommendation into immediate effect, whereas the other two required parliamentary approval. Nevertheless, the central idea of the Revenue Act of 1764 had firmly taken root in the mind of the administration: English dissatisfaction with the effectiveness of commercial restrictions on colonial trade became an indisputable motive behind Grenville's reorganization of the empire.¹

The idea of lowering the molasses duty to generate greater

income had circulated in British government circles years before the customs commissioners' report. Long-time Treasury functionary Henry McCulloh had first suggested it in 1751, and Lord Shelburne had revived the notion in the early 1760s. The idea had been most recently mentioned in March 1763, when Charles Townshend, the mercurial first lord of trade, had jolted the Treasury by suggesting on the floor of the House (without any forewarning) that it would be good policy to lower the duty to two pence per gallon. Since his suggestion was completely unauthorized by the Earl of Bute's administration, any decision on the idea was put off until the next session, by which time George Grenville had taken the seals as the new first lord of the treasury.²

While the central provisions of the Revenue Act of 1764 were taking shape, parliamentary leaders were also doing what they could administratively to tighten the enforcement of American customs regulations. In the last months of the Bute administration, George Grenville, then first lord of the admiralty, had shepherded through the House a bill authorizing naval commanders to act as customs officers. Although the act later led to much quarreling between the naval officers and the customs establishment over the division of seizures, the measure did cause consternation among the Boston merchants when the news arrived in mid-September 1763.³

The renewed discussion of the duty on foreign molasses and the legislation empowering naval commanders to act as customs officials quickly became fused in the minds of most Bostonians as a conspiracy to bring about the strict enforcement of the Molasses Act of 1733. First passed at the instigation of the West India interest in Parliament, the Molasses Act had established a sixpence-per-gallon duty on foreign molasses with the intent of forcing the North Americans to take their entire supply of that commodity from the British islands. The leading scholar of the rum and molasses trade has estimated that, despite the act, nearly 87.2 percent of all molasses imported into the North American colonies at this time came from the French West Indies. This seeming anomaly arose from the relative availability of molasses in the French and British islands. Molasses is the inevitable by-product of making sugar: its only uses are as a low-grade sweetener and as a raw material for producing rum. The British planters were far more likely to refine their own molasses into rum, whereas the French seldom bothered because the protected status of

the French brandy industry left them no market for the commodity at home. Thus, the supply of molasses for export in the British West Indies was practically nonexistent, while in the French islands the commodity was both abundant and cheap. To place a prohibitively high duty of sixpence per gallon on foreign molasses was, in effect, to ban the trade in its entirety.⁴

Profitable trades, however, always find an outlet; corrupt and poorly paid customs officials had fallen into the habit of “compounding” with the merchants by making false entries of the quantities of foreign molasses being imported. For a consideration of somewhere between 1/2 and 1-1/2 pence per gallon, the customs official would enter on the record books only a fraction—usually about one-tenth—of the total cargo. The commissioners of customs had been aware of the practice since at least 1759 but had been reluctant to do much about it. “If the Northern Colonies are not allowed to import Sugars & Molasses upon practicable terms, they will become desperate,” Governor Bernard warned, and so few officials were willing to challenge the illicit trade.⁵

During the fall of 1763, royal governors, including Bernard, received increased instructions exhorting them to stricter customs enforcement, while the merchants themselves began to set their sights on finding a way to block the renewal of the Molasses Act or at least to procure a lower duty. On October 28, speaker of the house Thomas Cushing wrote to colony agent Jasper Mauduit promising that he would send him full instructions concerning the Molasses Act after the General Court’s next session, but for the moment Mauduit should cooperate with the other colonial agents in opposing its renewal. If compromise were necessary, Cushing suggested, a duty of 1/2 or 1 penny per gallon would be acceptable. The speaker also recommended that Mauduit begin gathering witnesses to testify before Parliament on the molasses trade’s importance to the New England fishery. The fishery was the “nursery of seamen,” Cushing maintained, and any loss of profit to the colonies would hurt Britain since it would result in the colonies’ buying fewer manufactures from England.⁶

The language of Cushing’s letter suggests that he was in close consultation with the Boston merchants on this issue, and may already have seen a draft version of their December 1763 “State of Trade,” which the Boston Society for Encouraging Trade and Com-

merce had prepared as a memorial to the General Court. Throughout the summer and fall, a committee of the BSETC, headed by Thomas Gray and Edward Payne, had been at work gathering information for the document from other Massachusetts trading towns. (Gray was a respected general merchant of an old Boston family, the brother of province treasurer Harrison Gray, and a future representative to the General Court. Payne, on the other hand, was a relative newcomer, having moved his business from the North Shore to the capital city in the early 1760s. Extensively involved in the fisheries, Payne depended on trade with southern Europe for his livelihood, and he had experienced at least one brush with the customs authorities over the seizure of a quantity of Málaga wine.) In their "State of Trade," the merchants argued that since molasses generally sold in Massachusetts for twelve pence per gallon, a six-penny duty on the commodity would be an "absolute prohibition," causing imports from the foreign islands to cease. Under such circumstances, the merchants maintained, the distilling of rum for export would become barely profitable; more important, such a law would adversely affect New England exports to the West Indies of the familiar cargoes of lumber, fish, and provisions. Because the foreign islands did not allow the export of money or refined white sugar, the merchants explained, "we can only take their ordinary [brown] Sugars and Molasses in return." Thus for New Englanders to be unable to bring home foreign molasses would mean the loss of the entire foreign West Indies as a market for a number of their key exports, especially lumber and fish.⁷

Such a law particularly threatened the fisheries, since New Englanders regularly supplied the slave work force of the islands with the broken and otherwise unacceptable pieces of salted fish that they could not sell on the European market. The British West Indies by themselves, one merchant argued, were incapable of consuming more than one-quarter to one-third of the amount of this type of fish that the New England fishery regularly generated. If Bostonians were not able to market the remainder of their "refuse fish" in the foreign West Indies, "the whole Fishery must be infallibly broke up," they claimed, for it was not possible "to procure Fish for the European market separate from the other."⁸

The destruction of the fishery, the merchants concluded, would cut North American purchasing power by nearly the whole annual value of the industry, an estimated £164,446. "This Act," the

Bostonians charged, "was procured by the interest of the West India Planters with no other View than to enrich themselves," for "upon the whole, It is plain that our Islands are able neither to supply us with what we want from them, nor to take from us what Lumber and Fish we are obliged to export." To renew the Molasses Act would be to sacrifice the best interests of the empire in order to indulge the luxurious tastes of the islands' Creole grandees.⁹

The 1763 "State of Trade" document is instructive because it placed emphasis where it properly belonged: not on the profitability of the molasses trade itself but rather on the joint earnings of the West Indies trade as a supply of rum and molasses and as a market for a number of North America's most abundant resources. Historian John McCusker estimates that North American exports of molasses in 1768–1772 offset only four one-hundredths of the debt owed by the colonies to Great Britain. Similarly, North American rum earned credits of only 0.5 percent. Even if invisible earnings for freight and insurance for transport from the West Indies are added, the trade in molasses and rum accounted for no more than 4 percent of the colonies' trade imbalance with Great Britain. Clearly, then, the importance of the West Indies trade lay not so much with rum and molasses as with the profits they earned jointly with the sale of North American exports to the "sugar islands." Molasses was always an acceptable, if not especially lucrative, return cargo for homeward-bound Massachusetts vessels.¹⁰

The "State of Trade" also hints at why the Boston merchants found the proposed trade revisions so alarming and opposed them with such vehemence. In the thirty years since the Molasses Act was passed, the prices Bostonians paid for British West Indian produce had advanced some 30 to 50 percent, whereas during the same interval the prices paid by West Indians for North American exports had dropped nearly 20 to 40 percent. Thus, Bostonians now had to sell more goods in the islands to obtain West Indies commodities of equal value to their previous imports. This unhappy situation had resulted from a crisis of oversupply. As the letters of North American sea captains to their merchant employers amply confirm, the British West Indies were often glutted with lumber, fish, and grain from the continental colonies. To make matters worse, in 1760 the London sugar market had collapsed, upsetting prices for sugar and its by-products throughout the empire. By the early 1760s, North American trade

with the West Indies was distressed in nearly all its aspects at precisely the same time, it should be noted, that the British government was considering further burdening commerce by enforcing the long-lapsed duty on foreign molasses.¹¹

Boston, in particular, was likely to suffer more heavily from depressed conditions in the West Indies trade than were other major ports. The New England colonies annually took 43 percent of all North American imports from the West Indies and accounted for 39 percent of all exports to the same region. Of the three major port cities—Boston, Philadelphia, and New York—only Boston increased the tonnage of its trade to the West Indies in the decade following the Seven Years' War. Not being a major exporter of grain, Boston was less able than its rivals to switch its interests to booming southern European markets and thus found itself tied to a declining trade in the islands.¹²

Bad times in the West India trades, combined with the economic dislocation caused by the end of the Seven Years' War, placed a particularly heavy burden on Boston's lower classes. Among all the major port towns, Boston suffered the heaviest losses in manpower: nearly every fourth adult male in Massachusetts had been pressed into wartime service, and of that number almost 10 percent had died. Many husbandless women and fatherless children swelled the rolls of those receiving poor relief from the town. The twin natural disasters of fire and smallpox in the early 1760s accentuated suffering to such an extent that by 1764 one-fifth of those being inoculated were described as poor. Wartime taxes, already higher in Massachusetts than in any other province, rose so sharply, together with levies for poor relief, that Boston tax gatherers were unable to collect more than half the amount assessed in 1761–1762.¹³ Wherever one looked in Boston's crowded North End and dockside areas, evidence of widespread poverty abounded. Clearly, such distress helps explain why unemployed seamen and stevedores were so quick to follow the lead of Boston merchants in riotously expressing their opposition to further attempts to constrict Boston's commerce outside the empire. Trade with the West Indies and southern Europe provided far larger opportunities for ancillary employment than did direct, reciprocal trade with London, which usually involved the mere exchange of cash and credits for manufactured goods.

Articles in the Boston papers at this time, much more radical

and strident in their demands than the merchants' dutiful "State of Trade," reflected the urgency born from such widespread distress. Some even went so far as to demand a completely unrestricted trade. "Nothing is more certain than that trade cannot be forced," claimed one writer. Commerce could enjoy no security or protection under an arbitrary government; "There is but one man in a Thousand that has Endowments and Abilities to govern a State, and much fewer yet that have just notions of how to make Trade and Commerce useful and advantageous to it." "The wise and well-intentioned Prince," cautioned another writer, "never . . . intermeddles in commerce but to banish fraud and bad arts from it with severity; he leaves the profit to those that have the trouble of it; being well convinced that he shall find sufficient advantage of that trade which brings so great riches into his dominions." The clear implication of such articles was summed up by a writer who asserted that it was in Britain's best interest "to encourage . . . every branch of [colonial] trade to Europe and America that does not directly interfere with her own manufactures."¹⁴

Such extremism shocked Governor Bernard. As he observed to a friend:

They are a Strange People, they are either for taking the Government by Storm & enforcing such a remission of the laws of trade as they think fit; or else in a fit of Despondency they give up themselves & their trade to ruin. They never think of a middle way to remonstrate, with decency, upon the real hardships they lay under and crave redress.¹⁵

For Bernard to call the BSETC's "State of Trade" indecent was hardly fair; it shows how large a gulf separated the merchants from the official establishment concerning the urgency of the economic crisis facing Massachusetts.

The merchants' despondency deepened in the fall of 1763 as they learned of two sizable customs seizures (made by one of the newly empowered naval captains now patrolling Massachusetts Bay). On October 17 they found further cause for despair as they read for the first time accurate reports of the extent of bankruptcies in Amsterdam, which would eventually precipitate an international credit crisis and commercial depression of major proportions. The final blow to their spirits came on January 2, 1764, when surveyor general of customs John Temple announced in all the region's newspapers

that the Molasses Act of 1763 was henceforth to be “fully carried into execution” throughout the Northern Customs District. Partial entries of cargoes of rum, molasses, and sugar would no longer be accepted, and Temple announced that he would soon begin a tour of his jurisdiction to see that his orders were enforced.¹⁶

Throughout New England, the announcement of Temple’s orders helped galvanize opposition to renewal of the Molasses Act and prompted Boston merchants to extend their campaign to neighboring provinces. Writing to Rhode Island merchants, who they hoped would be sympathetic, a BSETC committee exhorted their neighbors to join them in an effort to “defeat the iniquitous schemes of those overgrown West Indians.” The Boston merchants enclosed a copy of their “State of Trade” with each letter and urged their colleagues to write to their correspondents in England concerning the matter. Notably, the nine-member committee that drafted the letters comprised five merchants (including two distillers) with heavy commercial interests in the West Indies, two traders with southern Europe, and at least three known smugglers: Solomon Davis, Edward Payne, and John Rowe. The BSETC proposal provoked an enthusiastic response in Rhode Island, where the assembly met in special session and where Governor Stephen Hopkins himself penned a “Remonstrance” for the Board of Trade, which incorporated parts of the Boston “State of Trade” and his own “Essay on the Trade of the Northern Colonies . . . ,” which had appeared earlier in the *Providence Gazette*.¹⁷

As fate would have it, neither the Rhode Island “Remonstrance” nor the Boston “State of Trade,” which was forwarded to colony agent William Bollan on February 10, 1764, reached England in time to influence the shape of the Revenue Act of 1764. As Bollan explained to the BSETC committee, their covering letter arrived without the “State of Trade” on April 12, seven days after the Revenue Act had already passed the House. Since the address on the outside of the letter indicated that it had come by a sea captain who had arrived some time before, Bollan sent for an explanation of the delay but received none. Nor could he locate the 250 copies of the “State of Trade” that were supposed to accompany the letter. Since none of the colonial agents had received any instructions to oppose the new Revenue Act on principle and because an overwhelming majority of

the Commons clearly supported the idea of raising a North American revenue, the new legislation met with little opposition in the House.¹⁸

The announcement of plans to renew the Molasses Act and enforce the law's long-lapsed provisions filled Boston merchants with alarm, especially given the town's precarious economic state in the early 1760s and its heavy dependence on trade with the West Indies. Molasses itself was not such an indispensable commodity for the Bostonians, but the credits they earned by exports to the West Indies were crucially important in offsetting trade imbalances with England. The implied threat to their profits prompted Boston merchants in 1763 to draft a "State of Trade," which systematically listed their objections to the plan and dutifully petitioned Parliament for relief. Unfortunately, however, the copies of the document sent to London miscarried, and thus the "State of Trade" would fail to have any impact on the impending legislation.

The Revenue Act of 1764 Takes Shape

The traditional view of the origin of the American Revenue Act of 1764 (known as the Sugar Act) emphasizes the extent of the British national debt and the need to defray the expenses of the large military establishment still maintained in America after the close of the Seven Years' War. In January 1763, the British national debt totaled over £137 million; the annual interest on that debt was nearly £5 million. All of this, as well as the normal expenses of government, had to be met out of an income of only £8 million. Historians have assumed that Grenville, as a consequence, hit upon the device of an American revenue to avoid raising the land tax on the already heavily burdened gentry or to arouse a storm of protest among the common people by introducing an excise tax. The truth of the matter, however, is that the Revenue Act of 1764 was expected to contribute less than 1 percent to the £8 million annual budget. The real purpose of the Revenue Act, as Ian Christie and Benjamin Labaree have noted, was not so much to raise vast amounts of money but "to foster the economic resources of the Empire and to deny other powers any advantages from it."¹⁹

As John L. Bullion has persuasively argued, the chief motive

behind the Revenue Act was the Grenville administration's conviction that the commerce of the colonies had been diverted from its natural course "through neglect, connivance and fraud." Grenville firmly believed that it was absolutely necessary for Great Britain, after years of "salutary neglect," to begin once again to monopolize the colonial market as completely and as rapidly as possible. The urgency of Grenville's plan grew from his fear that heavy wartime taxes and the rising price of labor in England would raise the price of British manufactures to a level where they could no longer compete with the products of European rivals. Indeed, the sale of English exports to the colonies already seemed to be faltering.²⁰ The only way out of this dilemma, as Grenville saw it, was the careful exploitation of the North American market, which even after the war seemed insatiable in its demand for European manufactures.

Bullion's contention that the Revenue Act of 1764 was the embodiment of revived mercantilist policy is well substantiated by a government-sponsored pamphlet, *The Regulations Lately Made Concerning the Colonies*, which appeared as a defense of the Grenville program a year following the passage of the act. According to the author of *The Regulations Lately Made* (usually identified as Thomas Whately, Grenville's secretary), encouraging "the Consumption of our own Produce and our own Manufactures, in preference to those of other Countries, has been at all times an undisputed Maxim of [England's] Policy. . . . The general tendency of the Act now before us is to extend the same Principle to . . . American [commerce]." Even Sir William Baker, one of the few members of Parliament to speak against the act, acknowledged that its central principle was "a good one, to make all goods center as much as possible in England."²¹

The most famous provision of the Revenue Act of 1764 lowered the six-penny duty on foreign molasses to threepence in the hope that the new tax would be more readily collectible. But what most observers do not recognize—or rather have forgotten—is that the new molasses duty was only one of a host of other provisions designed to discourage the legitimate trade of the colonies with continental Europe and to strengthen the hand of the North American customs service. According to Whately,

The aim of [these] Laws is . . . to provide that [the colonies'] most valuable commodities shall be exported either to Great Britain or to British Plantations. . . . If they were allowed to

transfer the Benefits of their Commerce to any other Country . . . , they would destroy the very purpose of their Establishment . . . , and the Mother Country would be ruined by the Prosperity of her Colonies.

Whately was only repeating the economic orthodoxy of his time: "It is the policy of every Nation to prohibit all foreign Trade with their Plantations."²² The effects of the Navigation Acts, the Grenvillites argued, had always been "the increase of our Trade and Commerce." Therefore, any evasions of them were destructive of the nation's greater gain. Consumers might sometimes benefit from lower prices on smuggled commodities, yet in this way "the Interests of the Commonweal . . . are sacrificed to private, partial and trifling Emoluments, uncertain in their Nature, temporary in Duration, and ruinous in the End." To attempt to bring the commerce of the colonies back within the confines of the navigation system was only sound policy, clearly in accord with the accepted economic wisdom of the day.²³

The chief worry of the Grenville administration was the substantial illicit trade in European manufactures annually smuggled into North America. Such trade not only deprived the king of his rightful customs revenue but also competed with the sale of British manufactures in the colonies. "The extent of this Commerce as it is in its Nature private, cannot be certainly known," the Grenville administration admitted, "but that it is now carried to a dangerous Excess, is an indisputable fact. For it is not to be imagined that [the North Americans] manufacture all they do not import from Great Britain."²⁴ Holland and the Baltic ports annually dispatched large quantities of goods to North America either directly or in smaller parcels smuggled in from the foreign West Indies, particularly the Dutch islands.

The administration estimated the extent of this trade to be between £500,000 and £700,000 per annum—in other words, smuggled goods constituted between 16 and 33 percent of all European manufactures (British and foreign) imported annually by the Americans. Some historians have regarded these figures as gross overestimates, but the problem seemed nonetheless real to parliamentary leaders at the time.²⁵ The seriousness with which the Grenville administration viewed contraband trade is indicated by the strong language they use to condemn it in *The Regulations Lately Made*. According to Whately, smuggling had raised "Apprehension in many Persons

that the Colonies may break off their Connection to Great Britain." What they did not realize, he contended, was that "That Connection is actually broken already, wherever the Acts of Navigation are disregarded."²⁶ Thus was born in Grenville's mind the fear that trade outside the empire would lead inevitably to demands for colonial independence.

The Grenvillites contended that duties included in the Revenue Act of 1764 were "judiciously chosen, not only with a view to the Revenue, which they will produce; but for other . . . greater political purposes." By fixing low duties on a wide variety of items—including nearly all the items that had been objects of illicit trade—the Grenville administration hoped to bring the European commerce of the colonies into regular entry and account. Such a plan, they argued, would "not only support and encourage . . . British manufactures, but maintain and improve the Commerce and Navigation, both of Great Britain and her colonies." In other words, the Revenue Act was intended to strengthen what the administration perceived as the rapidly dissolving tie between Great Britain and America.²⁷

In fixing the actual rates of the individual duties of the American Revenue Act, the Grenville administration was careful to follow three general guidelines. First, the duties should not be so high that they would seriously burden trade and thus damage the capacity of the North American market to buy English manufactures. Second, the duties should be easily enforceable. And finally, they should generate enough revenue to cover the costs of collection and contribute at least a small amount to defraying the expenses of British government in North America. Of all the duties, the rate on foreign molasses provoked the most discussion. As we have seen, many colonists would have accepted a tax of between 1 and 1½ pence per gallon, which was roughly equivalent to the cost of smuggling. But since the annual consumption of foreign molasses in the colonies was 80,000 hogsheads (as the Treasury estimated), this would produce a revenue of only £33,333. The three-penny duty would generate nearly £100,000 per annum, and even if it did cause somewhat reduced consumption, Treasury officials predicted that it would still bring in more money than a two-penny tax. Eventually, Grenville and his associates cast their lot with the three-penny duty.²⁸

Much controversy has centered on the issue of just how burdensome the duty on foreign molasses actually was. Lawrence

Henry Gipson, the great partisan of the British empire, always maintained that it was not onerous at all. The generally accepted conclusion now appears, however, to be that a three-penny tax (between 25 and 30 percent of the wholesale price) was indeed burdensome under the circumstances. In the words of William S. Sachs, "Squeezed between rising prices of exports and falling prices of imports, and enmeshed in a commerce structurally unresponsive to price fluctuations," colonial merchants could no longer afford to drive the trade if the tax on molasses were actually paid. "It simply ate away their profit margins."²⁹

The relative importance of the molasses trade to the colonists is difficult to evaluate. The Boston "State of Trade" called it the "great spring of every branch of business among us," and the aging John Adams, in a much-quoted aphorism, termed molasses "an essential ingredient of American independence." But there are good reasons to doubt the authority of both statements. As economic historian John McCusker has pointed out, much of our traditional view of the importance of the molasses trade can be attributed to inexact scholarship, which unquestioningly accepted evidence derived from the political pamphleteering of the 1730s and 1760s. The profits of the molasses trade might well have been worth defending by peaceful protests and petitions, but we should remember that the molasses duty was only one of many provisions in the Revenue Act of 1764.³⁰

As part of the Grenville administration's intention to discourage legitimate commerce between the colonies and continental Europe, a number of the lesser provisions of the Revenue Act made new additions to the enumerated list. For example, coffee, pimientos, skins, hides, whale fins (i.e., whalebone), logwood, potash, and pearl ash from the British colonies had to be shipped to Great Britain before they could be exported elsewhere. The principal significance of these new additions to the enumerated list was that they frequently comprised outward-bound cargoes in the colonies' direct trade with Europe. By channeling these products first through Great Britain, Parliament could make certain not only that the profits from the resale of these goods would enrich British merchants instead of Americans, but also that the colonies would no longer have any desirable products to barter for the manufactures of Holland and Germany. Colonial beaver skins had been used to advantage by England's competitors in the hat industry, whale fins and logwood were

particularly popular with the Dutch (the latter used as a dye), and potash and pearl ash were essential for cleansing the oils from raw wool before it could be spun into cloth. By reserving these products for their own use and by adding high duties on foreign white sugar, coffee, and indigo, Great Britain hoped to strike a blow at its continental rivals. Of the traditional components of outward-bound colonial cargoes to Europe, the Revenue Act allowed only Carolina rice to be shipped directly to Europe, and then only to ports south of Cape Finisterre.³¹

As part of the plan to force the colonies to take more manufactures from Great Britain, the Revenue Act also effected a number of changes that would raise the price of foreign goods arriving by legitimate channels through Great Britain. As a general rule, most foreign goods, when they were re-exported from Britain, were entitled to a full drawback of duties for all except one-half of the tax known as the Old Subsidy of 1660 (approximately 2½ percent of their full value). Under the provisions of the Revenue Act of 1764, however, no drawback of the Old Subsidy was allowed. In addition, the Revenue Act also added new duties on foreign textiles: Persian and Chinese silks, East Indian calicoes, French lawns, and assorted linens of continental manufacture. The legitimate trade in foreign textiles was small (such items were not even allowed to be sold in Great Britain), but the elimination of the Old Subsidy drawback alone promised to generate an additional £20,000 per annum.³²

To halt illicit trade between the colonies and Europe, the new act required that no ship bound for America be cleared from Great Britain without having loaded its *entire* cargo there. This would eliminate a common practice of smugglers such as Boston's John Erving, who would order vessels bound from Holland or Hamburg to touch at a remote port in Great Britain (say, the Orkneys or the Isle of Wight), where they would load a partial cargo and then obtain a clearance from Britain, suitable for flourishing before the eyes of colonial customs inspectors. Henceforth, inbound cargoes from Europe would have to be completely unloaded and reloaded before they could be cleared for the colonies. Sources within the Treasury also indicated that another effective way to deal with the smuggling of European manufactures into the colonies would be to step up supervision of the North American coastal trade. By requiring customs officers to issue cockets (documents describing the cargo of each

coasting vessel), the redistribution of smuggled goods could be effectively checked. The Grenville administration found this idea especially appealing, principally because it provided such an inexpensive means of customs enforcement. But this provision had a number of unforeseen consequences. Vessels in the American coastal trade frequently called at remote ports far from any customs officer. Before the master of a ship could put to sea under this new law, he would need to make the trip to the nearest customs house, swear out a description of the contents of his cargo, pay the established fee, and return to his vessel. Not surprisingly, ship captains found this provision of the Revenue Act among the most obnoxious of the new regulations.³³

Furthermore, the act also required that a number of new bonds be given for commodities not on the enumerated list. Under the new law, masters were obliged to post bonds that they would not land foreign molasses anywhere outside the empire. If their cargoes contained lumber or iron, an additional bond was required, promising that these goods would not be transported anywhere in Europe except Great Britain. This last provision threatened burgeoning colonial trade with southern Europe. Lumber, like fish, was abundant in the colonies, and it had proved a valuable medium of trade with Spain, Portugal, and the "wine islands" (Madeira and the Azores), which supplied wine, olive oil, fruit, and salt (the latter much needed for the fisheries). The new bonding provisions also menaced colonial trade with Ireland, where the colonists had exchanged lumber and flaxseed for inexpensive linens and some types of provisions. From the British point of view, the new Revenue Act may have been admirably well suited for its purpose of redirecting more colonial trade through Great Britain, but to the Americans it appeared to close off every profitable avenue of commerce except a direct, reciprocal exchange with the mother country.³⁴

Perhaps one of the most far-reaching provisions of the Revenue Act of 1764 was the levy of a new duty on foreign wine. Previous to the new legislation, wines from Spain and Portugal had to be shipped through Great Britain and an export duty of £11 13s. 6d. per tun paid. This tax gave the wines of dutiless Madeira and the Azores a virtual monopoly of the colonial market, particularly since they could come to America directly from the islands without the expenses of transshipment through England. The new act lowered the

duty on all European wines (except French) to £4 per tun and at the same time introduced a new duty of £7 per tun on wines from Madeira and the Azores in a deliberate attempt to direct more of the colonial wine trade through Great Britain.³⁵

Historians have differed over the effect of these duties. Oliver M. Dickerson maintained that they resulted in a sharp reduction of colonial wine consumption and a gradual shift from Madeira to port and sherry as the most popular wines in the American market. Others, however, have argued that the tax on wines had “no appreciable effect,” since the duty constituted only 11 percent of the wholesale price. The new tax did generate a large revenue for the Crown, because most colonial merchants, when they did import Madeira, brought it directly from the islands rather than opting to save £3 per tun by routing it through England. Among the provisions of the Revenue Act of 1764, the new duty on wine ranked second only to the tax on foreign molasses in terms of the income it produced.³⁶

The cumulative effect of the Revenue Act's restrictions on commerce with southern Europe must certainly have appeared threatening to American merchants in 1764. The growth of trade with the Iberian Peninsula had been one of the “outstanding developments” of mid-eighteenth-century American commerce. The tonnage of American shipping to that region had been steadily increasing, and colonial merchants depended on the trade surpluses they earned there. (The goods that colonial captains brought back from southern Europe seldom cost more than 60 percent of the value of the outward-bound cargoes; this made southern Europe a prime source of specie and bills of exchange.) We should also remember that the fish and lumber products, which Massachusetts in particular sent there, were largely surplus commodities for which any market was welcome. Hence, although the wine duty might not have had quite the impact that some have claimed, the various restrictions of the Revenue Act of 1764 when taken together must have constituted a serious menace to one of America's most vital and rapidly growing trades.³⁷

What little debate there was in Parliament over the American Revenue Act centered on a desultory attempt to lower the molasses duty from threepence to two. The colonial agents, sensing the mood of the times and lacking precise instructions from their employers, decided to offer no defense of the colonies' extra-imperial trade.

Thus, the Revenue Act received its third and final reading on April 5 and was carried to the House of Lords, where as a money bill it met little opposition.³⁸

Careful review of the provisions of the American Revenue Act of 1764 reveals that much more was at stake than just an effort to enhance revenues by stricter enforcement of the molasses duty. Rather, Grenville and his advisors also sought to eliminate smuggling and bring the trade of the North American colonies back within the confines of orthodox mercantilist thought. Such a goal was the clear intent of the new additions to the enumerated list and the further restrictions on trade with the West Indies and southern Europe. Clearly recognizing Grenville's intent, the colonists would respond accordingly.

The Colonial Response

News of the specific provisions of the Revenue Act arrived in the colonies in piecemeal fashion. By January 1764, Bostonians had some notion that the Grenville administration planned a general revision of colonial commerce in which, as well as the enforcement of the molasses duty, the traditional indulgences on the importation of wine, oil, and fruit from southern Europe would be removed. This had long been a fear of Boston merchants, and even Governor Bernard had dispatched a memorandum to the Board of Trade on their behalf. In early April, the Boston papers fulminated against the colonial agents for having admitted that any kind of duty on foreign molasses would be acceptable, and by early May, Bostonians received copies of the text of the act as reported out by the Committee of the Whole on March 10, 1764.³⁹

The specific provisions of the act provoked a flurry of response in Boston. It was surely a topic of concern at the May 14 annual meeting of the BSETC, and one member predicted that "the Act will prove an unformed monster that will devour all before it," and elsewhere lamented that "the [entire] principle of a commercial nation is subverted." Through their influence in the town meeting, the merchants, on May 24, were able to secure the inclusion of their complaints against the act in the town's annual instructions to its newly elected representatives. The town meeting charged its mem-

bers in the assembly with the responsibility of working to promote united opposition to the Revenue Act throughout all the North American colonies. Noting that "our trade has for a long time labored under great discouragements," the town instructions, written by Sam Adams, predicted that the new regulations "will reduce [commerce] to its lowest ebb," if indeed they did "not totally obstruct and ruin it." This was more than mere rhetoric, as we have already seen. The city's trade had been in decline since the 1750s, and the recent smallpox epidemic had brought retail business to a virtual halt. The instructions argued in defense of Boston's trade:

Our Trade . . . centers in Great Britain [and] We are ultimately . . . yielding large Supplies to the Revenues of the Mother Country, while we are laboring for a very moderate Subsistence for ourselves. But, if our trade is to be curtailed in its most profitable Branches [a clear reference to the West Indian and southern European trades], . . . it will scarce be possible for us to earn our Bread.

Clearly, Bostonians saw the Revenue Act of 1764 as an economic catastrophe.⁴⁰

Governor Bernard warily viewed the town meeting's call to intercolonial cooperation against the Revenue Act; he worried that the leading patriots were seizing the opportunity "to lay a foundation for connecting the demagogues of several Governments in America to join together in opposition to all orders from Great Britain which don't square with their notions of the rights of the people." Concerted action against the Revenue Act of 1764 never materialized, but within the next few years Bernard found ample reasons to believe that all his worst fears had been confirmed.⁴¹

The mood throughout June continued somber as recession and smallpox lingered over the town. The aged Thomas Hancock, in one of the last letters he wrote, prophesied that "the heavy taxes laid on the Colonies will be a great Damp to Trade." If the Revenue Act was not repealed, the colonies would "have little or no demand for supplies from England." "This ought to be consider'd," he warned a correspondent in England, since "we are worth Saving in this part of the World." A more detailed account of the futile efforts to oppose the Revenue Act in Parliament appeared in a letter from London in the June 11 *Boston Gazette*. It warned that "the whole House ap-

pear[ed] determined, at any Expence or Trouble to put a stop to Illicit Trade” and “to divert the Americans from manufacturing.” Only Benjamin Franklin retained a certain balance in his opinions about the unpopular act, predicting “that more is apprehended than will happen and that Experience only will inform us clearly, how short it will fall of procuring on the one hand the Good, and producing on the other the Evil, that People . . . expect from it.” Few of Franklin’s compatriots shared his equanimity, however.⁴²

By late June, a committee of the Boston Society for Encouraging Trade and Commerce was hard at work on a set of “Proposals to Parliament for the Regulation of the American Trade.” Incorporating large sections of the 1763 “State of Trade,” especially those concerning the fishery and the duty on foreign molasses, the 1764 “Proposals” went far beyond the earlier document to include complaints against nearly every provision of the new Revenue Act. The principal theme remained the same, however: restrictions on American trade diminished the colonies’ capacity to purchase British manufactures. Indeed, this approach was far better suited to influence the mercantilist-minded Grenville administration than the constitutional arguments that later became mixed with the effort to repeal the act. As far as the authors of the “Proposals” were concerned, even the lower three-penny duty on foreign molasses was still prohibitive and the high duties on foreign sugars needlessly cut off the possibility of developing a carrying trade from the French islands to Europe in that commodity. The merchants’ committee also worried that the colonial lumber industry might be irreparably damaged by the provisions of the new act, since the British West Indies alone would never be able to consume all the colonial lumber and provisions that were sent to the Caribbean. Because the lumber business was inextricably tied to shipbuilding, the merchants knew that this key industry too would decline as trade to the West Indies and southern Europe also began to wither.⁴³

In drafting their “Proposals” in the fall of 1764, the BSETC committee also gave full attention to the greatly strengthened provisions for customs enforcement embodied in the new law. Requirements for bonds in the coastal trade, they warned, would prove a great nuisance to commerce. In some cases in the coastal trade, the expenses of obtaining a bond would exceed the entire value of the cargo. In other cases, because of the length of time entailed in send-

ing to England to obtain cancellation of the bonds after the cargo was delivered, some coasters might have as many as twenty bonds in effect at the same time. The merchants' committee also complained about "the unlimited power given to Officers of the Customs" by the Revenue Act. According to the new regulations, the burden of proof in the event of a seizure now lay with the owner of the vessel and not with the customs officers. Defendants were required to pay the cost of suits against them even when they were proved innocent of any violation. To protect customs officers from suits for damages, the act provided that a judge might certify probable cause for seizure, which would protect the officer filing the libel from any action. To make matters worse, arresting officers might choose to bring their cases before the newly established District Court of Vice-Admiralty in Halifax, "where the Expence of going to lay in a Claim . . . may be more than the value of the goods seiz'd." The extensive revisions of customs regulations made by the Revenue Act of 1764 have prompted one historian of the Navigation Acts to term them "a radical change in the former legal relations of the colonies to the home country." The colonists would surely have concurred.⁴⁴

The merchants capped their "Proposals" with the prediction that the Revenue Act would fail to generate even a fraction of the income the Grenville administration craved. The only duties they saw that could conceivably produce any revenue were the taxes on Madeira wine and foreign molasses, and since the colonies were temporarily overstocked with Madeira, they estimated that the act would produce only £15,000 per annum in its first years of enforcement and less in subsequent years as trade diminished because of the new restrictions. The merchants also assumed that the cost of enforcing the act would far exceed whatever funds it generated.⁴⁵

According to the merchants' committee, if Parliament had allowed the free importation of foreign sugar and molasses, had given the colonies the liberty to import wine, olive oil, and fruit direct from southern Europe, and had imposed on Madeira wine only the same duties as those paid on the wines of Spain and Portugal, all the controversy might have been avoided and a much greater revenue raised "than can possibly be expected from the present Act." Had these simple demands been met, all clandestine trade in New England, according to the merchants, would have ceased; trade, navigation, and the fishery would have flourished, and a costly system of customs en-

forcement might have been avoided.⁴⁶ Such sweeping statements suggest that the merchants' demands had evolved considerably since the days of the Barons controversy, when Massachusetts traders claimed that all they wanted was equal treatment with their neighboring colonies. Still, even the 1764 "Proposals" asked only for the "liberty" to import a few items that in no way competed with the products of the mother country. But whether the colonies would have been content with such "liberties" is another question entirely. Perhaps Americans wanted even more than they realized.

Events moved forward with such momentum in 1764 and 1765 that the BSETC "Proposals" were never even sent to England. No sooner had they been composed than they were outmoded by the addition of new grievances, most notably the Currency Act of 1764 and the news that Parliament had passed a resolution proposing to levy a stamp tax in America. Although a stamp tax had always been an integral part of the Grenville program, and had been considered on March 9 at the same time as the other provisions of the American Revenue Act, news about the possible stamp duties was inexplicably slow in arriving in the colonies. Indeed, Americans were not fully aware of the possibility until August, some three months after they first heard the details of the American Revenue Act. Opposition to the idea of a stamp duty soon became fused with resentment over the provisions of the Revenue Act, both strengthening the intensity of colonial opposition and beclouding the discussion of economic grievances with new constitutional issues.⁴⁷

Although the BSETC "Proposals" were never forwarded to England, textual analysis reveals that they did form the basis of the petition of the Governor's Council and House of Representatives to the House of Commons, composed in the fall of 1764. The petition lists in the form of brief headings each of the major issues outlined in the BSETC committee's "Proposals," including sections reflecting on the vice-admiralty court (which the ever-circumspect Thomas Hutchinson sought to have deleted). The petition of the House and Council goes beyond the BSETC document, however, to incorporate complaints against the impending Stamp Act and the "scarcity of money" in the colonies, a situation that would only be aggravated, they contended, by the drain of additional specie to pay for the new taxes. Thus, the petition of the House and Council built on and superseded the merchants' earlier "Proposals."⁴⁸

The Boston papers had recently published a letter from John Huske, a North American by birth and one of the few members of Parliament to speak against the Revenue Act. The letter warned the committee of merchants at Boston against any indiscreet representations of the power of Parliament in their campaign to win the repeal of the Revenue Act. The receipt of such news from London could only have strengthened the hand of Thomas Hutchinson and other moderates in their battle with the leading patriots over the militant language of the recently drafted petition to the House of Commons.⁴⁹ In the end, Massachusetts' protest against the Revenue Act, like Rhode Island's, was based mainly on grounds of economic hardship, with only oblique reference to the loss of the right to trial by jury (by means of the extension of the jurisdiction of the vice-admiralty courts) and Parliament's assumption of the right to tax. New York and North Carolina, however, remonstrated against Parliament's right to impose revenue duties without colonial representation, while Connecticut, Pennsylvania, Virginia, and South Carolina remained silent concerning the Revenue Act of 1764 and concentrated only on protesting the proposed stamp duties.

That only colonies north of New York presented economic grievances against the Revenue Act of 1764 reflects the selective impact of the Grenville program. The act fell with special severity on New England because of its molasses trade and fishing industry. Customs records show that of all the colonies that paid duties under the provisions of the Revenue Act of 1764, Massachusetts consistently paid the largest sums. One Bostonian claimed that the number of Massachusetts vessels going to and from the West Indies had been cut by four-fifths since the institution of the act. Hyperbole notwithstanding, there is no doubt that Massachusetts felt the sting of the Grenville program most acutely. The smuggler John Rowe always referred to the Revenue Act of 1764 as "the Black Act," and many Boston merchants must have shared his reaction.⁵⁰

The Newspapers and the Pamphleteers

The Revenue Act of 1764 provoked a flood of polemical literature in Massachusetts besides the official petition of the House and Council. In the foremost of these pamphlets, *The Rights of the British Colonies Asserted and Proved*, James Otis, the same lawyer who had worked so

closely with the merchants during the Barons controversy, declared that the Revenue Act of 1764 had "set people a-thinking in six months more than they had done in their whole lives before." Economic arguments, however, were almost totally absent from Otis's pamphlet. He was preoccupied with proving that the concepts of higher law and natural rights set fixed limits to the just exercise of parliamentary power. Oxenbridge Thacher's *Sentiments of a British-American* (which appeared shortly after Otis's effort) was more concerned with the immediate impact of the new legislation on trade. According to Thacher, "These regulations must break and subdue the hearts of traders here. TRADE is a nice and delicate lady; she must be courted and won by soft addresses. She will not bear the rude hand of a ravisher." Thacher went on to complain particularly against the proliferation of cockets and bonds required by the act, the new protections extended to customs officers in legal proceedings, and the abridgement of colonial rights in the juryless admiralty courts. He concluded by comparing trade to "a grand chain made up of innumerable links" and warned that "it is doubtful whether British trade, great as it is, can bear the striking out [of] so many, without greatly endangering the whole."⁵¹

Although popular in America, Otis's and Thacher's pamphleteering worked against the colonial cause in England. In noting that the Stamp Act had passed the House of Commons by a vast majority, one Bostonian in London commented. "The Ministry are not a little Soured at the Temper exprest by us in sune Publications which has lately appeared here." He added that Otis's *Rights of the Colonies* had not been of any service; indeed, "Should I say the contrary I should not be farr from the Truth." In the midst of such a mood in London, the colonial agents lost all hope of amending the Revenue Act or of lowering the molasses duty. Even the North American merchants in London opposed any reduction before the act had been fairly tried.⁵²

With the arrival in mid-April 1765 of the news of the passage of the Stamp Act, Bostonians became increasingly preoccupied by what they perceived as the latest attempt at the suppression of their liberties by an overweening ministerial cabal bent on the complete subjection of the colonies. The story of colonial resistance to the Stamp Act is too familiar to need retelling here. Economic grievances against the Revenue Act of 1764 became lost in the maelstrom of colonial opposition to Parliament's insistence on its right to tax the colonies. Because these constitutional issues have been of greater

subsequent interest to historians, it is tempting to assume that dissatisfaction over the 1764 restrictions on trade disappeared entirely. They most assuredly did not. They did, however, assume a status secondary to the Stamp Act in the public mind throughout most of 1765.

The only new development in the rhetoric of merchant grievances at Boston in 1765 was an increasing tendency in the newspapers to defend some types of smuggling as a positive good. The *Boston Evening Post* quoted with approbation one writer in the *London Chronicle* who argued, "It would puzzle any reasonable person to define properly what smuggling is in North America. The critical situation of these provinces are such, that without making the most of our whole produce, and having a free vent, it will be impossible to keep up our credit with the mother country."⁵³ To the writer in the *London Chronicle*, no trade was illicit that aided the colonies in consuming the manufactures of the mother country. Later in the same year, another writer in the *Boston Evening Post* defended the more respectable branch of molasses smuggling (as opposed to the smuggling of European manufactures) by saying that the only cause of contraband trade was "the difference between prices of the produce of the English West India islands and those of the French and other nations."

For if our islands could give us as good a price for our produce of the colonies and return them sufficient supplies of West India commodities as cheap, the colonies would never apply to the colonies of other nations for what they could as well procure of our own. . . . To remedy the inconveniences arising from neglect, prohibitions have been laid to restrain people from the free use of their own property, and to turn the course of business into . . . unnatural channels. But the expedient is attended with greater evils than it remedies—Hence arises smuggling. . . . The prohibition falls solely on the honest, the conscientious, the fair trader, and the worthiest part of the community. . . . Meanwhile the design of the prohibition . . . is effectually defeated; and to revenge the disappointment of the Contrivers, punishments are devised on the most unjust pretence that Smuggling is a general, a national crime.⁵⁴

The Bostonians never did quite advocate what we in the twentieth century would call free trade, but the writer in the *Boston Evening Post* announced two important themes that won greater acceptance among Boston merchants in the years ahead: most barriers to com-

merce are artificial and self-defeating, and undue restrictions on trade are an unwarranted interference in the rights of personal property.

Merchants were as aggrieved as anyone by the Stamp Act because of the great many legal documents necessitated by commerce. As if this were not enough, the merchants suffered further when all the ports were closed while stamped paper for issuing clearances was unavailable; popular resistance to the new law had blocked attempts to land the paper. Although the port was not closed for long in Boston, the merchants were easily persuaded that a boycott of British manufactures would be one of the most effective ways to win repeal. By sending orders to their correspondents contingent on the repeal of the Stamp Act, the Americans could pressure the London merchants to lobby for an end to the detested tax. Two hundred New York merchants were the first to advance this scheme when, on October 31, 1765, they voted not to import British goods until the Stamp and Revenue acts were repealed. Philadelphia joined in a similar plan one week later, and 220 Boston merchants adopted their own version of nonimportation on December 9. This first nonimportation agreement caused hardly a ripple of dissent within the merchant community. Within a week, 250 Boston merchants (probably between three-quarters and seven-eighths of all those involved in the import-export trade at the time) had signed the agreement.⁵⁵

While the merchants were deliberating on nonimportation in December 1765, James Otis reopened public discussion of the entire system of restrictions on trade, writing in the *Boston Gazette* under the pen name John Hampden. In the first of the letters from "Hampden" to William Pym, Otis opened with a scathing attack on the mercantile system. "The whole system of the laws of trade," he wrote, "abundantly proves the dependent state of the colonies." Although no direct tax had been levied on the colonies prior to the Stamp Act, Otis contended that "*indirectly and eventually* the colonists are and have been amazingly taxed by Great Britain." One could hardly find an act involving the colonies that did not "lay some grievous restriction on American commerce which consequently imposes a *real*, tho' no[t] *direct* tax." By confining the trade of the colonies and "shutting them out . . . from all the world," Great Britain had made itself the monopolizer of all the commodities of the colonies, who in return are obliged to take her manufactures and commodities at her own price, not being allowed to trade at any other market." Otis compared the British to a merchant who had arranged things in such a way that all

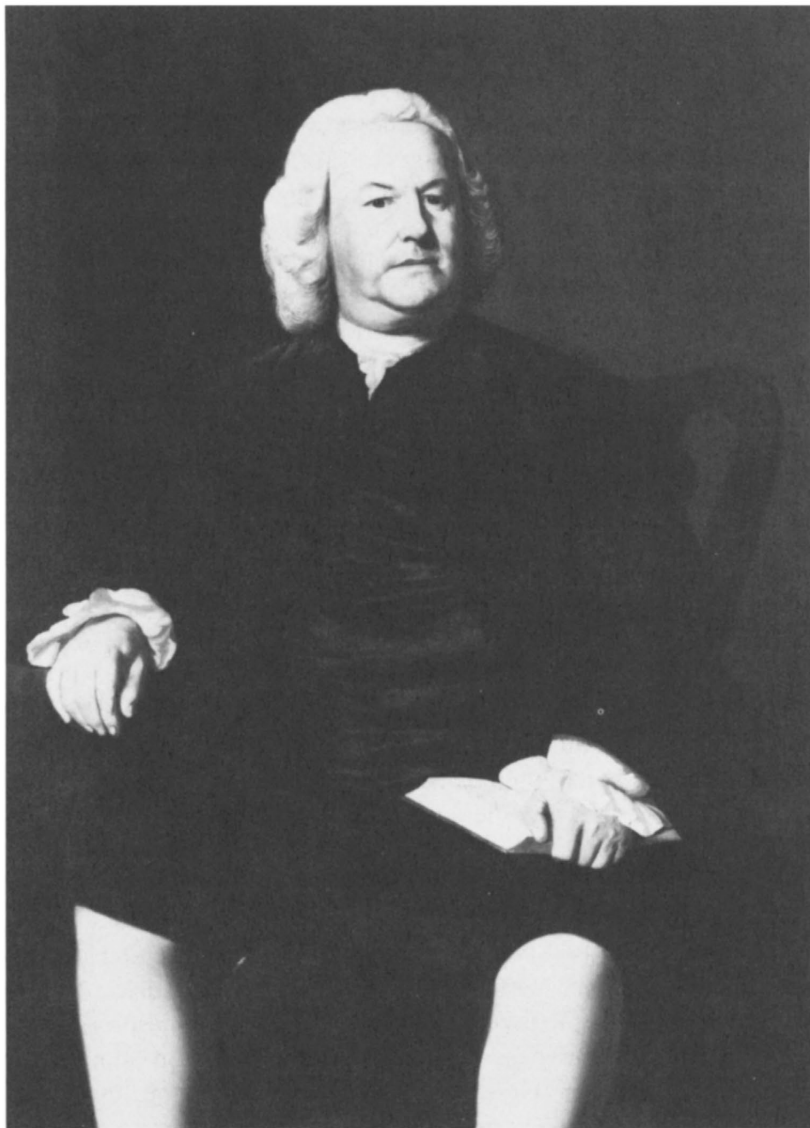
his neighbors were obliged to do business with him and buy and sell at the prices he specified. If such a merchant could persuade his neighbors "that he was the most generous, fair trader in the world & that they were very happy that he would trade with them, he must be a mad man to try any further projects that might . . . undeceive them."⁵⁶

Subsequent letters by Hampden have overtones of Adam Smith's famous *Wealth of Nations*. In his second letter, Otis attacked British restrictions on colonial manufactures, estimating that 50 percent of the wholesale price of goods in England was artificial and stemmed from duties and ill-conceived regulations; and in his third letter, he claimed that "the commissions and exorbitant gains of . . . British merchants and factors" boosted the cost of British manufactures in America 15 percent and that the expense of maintaining an overgrown customs establishment drove prices still higher. "What American peazant before the late regulations," he queried, "ever dreamt his dearly bo't coarse coat . . . was taxed half its cost to those who live and die in the ease, luxury, and prodigality of Great Britain? Now they know." Otis, now at the height of his fame, was moving dangerously close to demanding completely unrestricted trade and denying the mutual benefits of empire.⁵⁷

The intensity of the reaction to the Revenue Act of 1764 in Boston reflects the special severity with which the new legislation fell on New England commerce. The BSETC "Proposals" of 1764 attacked for the first time the newly enhanced powers of the customs authorities, and newspaper articles at the time even began to defend some types of smuggling as a positive good. Although most publicists besides Otis stopped short of demanding free trade, a chorus of voices began to criticize most restrictions on commerce as artificial and self-defeating, while others assailed the new trade laws as an unwarrantable interference in the merchants' rights to dispose of their property as they saw fit.

Parliament Proposes a Compromise

Frightened by the prospect of significant loss in business because of the new Revenue and Stamp acts, in December 1764 London merchants trading with North America formed a committee, headed by



James Otis, by John Singleton Copley. Courtesy of the Wichita Art Museum, Roland P. Murdock Collection.

Barlow Trecothick, to organize a campaign for the repeal of the entire Grenville program. (The merchants were acting in advance of the threatened boycott; it was still too early for the colonists' nonimportation scheme to have had any effect. Transatlantic communication in the winter could take as long as two months.) Throughout December, the merchants dispatched a circular letter to thirty trading and manufacturing towns, soliciting petitions and testimonials emphasizing the distress that would be caused by the loss of American trade. On January 17, the London merchants presented a petition to Parliament that the recent regulations had tended "to disturb legal Commerce and harass the fair Trader." The Revenue Act, they charged, by interrupting the "most fruitful Branches of their Commerce," had thrown "the several Provinces into Confusion, and brought on so great a Number of actual Bankruptcies that the former Opportunities and means of Remittances and Payments are utterly lost." They concluded that the debts owed British merchants, worth "several millions sterling," would be endangered if the injurious legislation were not repealed.⁵⁸

The impact of the merchants' efforts is debatable; the new Rockingham government was already committed to repealing the Stamp Act even before the petitioning began, but the adverse impact on trade did provide a nonideological reason for Parliament to rescind the odious legislation.

Many historians interested in the ideological origins of the American Revolution emphasize the constitutional issues associated with the repeal of the Stamp Act and the passage of the Declaratory Act, which reasserted parliamentary sovereignty over the colonies. These two pieces of legislation were only part of a total program of colonial reform, however, designed by the Rockingham administration. Secretary of state Henry Seymour Conway was careful to communicate this fact to Governor Bernard when he transmitted copies of the Repeal and Declaratory Act. "A Revision of the late American Trade Laws is going to be the immediate Object of Parliament," he promised. "The late Transactions [in the colonies]," he said, referring to the widespread rioting that had greeted attempts to enforce the Stamp Act, "however provoking, [will not] prevent the full Operation of that kind and indulgent Disposition, prevailing in both His Majesty & His Parliament, to give to the Trade & Interests of America every Relief which the true State of the Circumstance demands

or admits.”⁵⁹ This relief was eventually embodied in the Revenue Act of 1766 and the accompanying Free Port Act of the same year. These two pieces of legislation are frequently overlooked in discussions of events leading up to the American Revolution.

The complaints of American merchants throughout 1764 and 1765 had not fallen on deaf ears. Even before Grenville's fall from power, his administration had taken steps to encourage the lumber trade and facilitate the re-export of certain North American products from Great Britain, particularly bar iron and rice. Also, as a last concession, undecked vessels in the coastal trade no longer needed to take out cockets. Still not satisfied, American partisans in Parliament argued that “a free Trade with the foreign West India Islands is of far more consequence to North America than any other Considerations,” and thus their demands during the early months of 1766 centered on reducing the duty on foreign molasses. On February 11 New York merchant William Kelly testified before Parliament that the three-penny duty had enabled the Danish to undersell American rum on the coast of Africa and that a number of vessels were now lying idle in consequence. A long line of merchants and colonial agents followed Kelly to the bar of Parliament to bear witness to the ill effects of the Revenue Act of 1764. Their testimony soon produced results.⁶⁰

The crucial decisions concerning the shape commercial reform would take were hammered out at a meeting between North American and West India merchants held at the King's Arms Tavern in London on March 10, 1766. The West Indian delegation comprised a committee of eight merchants, including Rose Fuller, the powerful manager of the West Indian interest in Parliament. The delegation of North American merchants included, among others, Barlow Trecothick, Massachusetts special agent Dennys DeBerdt, tobacco merchant Capel Hanbury, Quaker businessman David Barclay, Jr., and George Hayley, the brother-in-law of British parliamentary radical John Wilkes. Eventually the merchants agreed on a program designed to answer colonial complaints. The duty on molasses would be reduced to a penny per gallon, but it was to be imposed on *all* molasses, British or foreign, arriving in America. This, the merchants hoped, would offset the loss in revenue and be an effective discouragement to smuggling by making it impossible to represent foreign molasses as coming from the British islands (a frequent smugglers' ruse). To compensate the West Indians, the importation of for-

eign rum into North America was prohibited. Following the system that had been successfully employed with colonial rice, they further agreed that foreign sugar, coffee, and cocoa would be warehoused in America while awaiting re-export, or could be landed duty-free in Great Britain before being re-exported to any point in Europe. Foreign cotton and indigo, two of the most desirable commodities of the French islands, could be landed in the continental colonies free of duty, and North America would be permitted to consume foreign sugar at a duty of five shillings per hundredweight. To prevent illicit trade, however, all sugar imported into Great Britain via North America would be deemed foreign and taxed as such. And finally, the merchants hoped to develop a plan for the establishment of free ports in Dominica and Jamaica. Because the program met most of the grievances listed in the petitions that had flooded in from North America the year before, the merchants were confident that American dissatisfaction with the Acts of Trade would cease.⁶¹

The Rockingham administration accepted without alteration the compromise worked out by the North American and West Indian merchants, a fact that prompted the former first lord of the treasury to charge that the new ministry had listened only to the "*ex parte* Evidence" of interested witnesses, a "Club of North American merchants at the King's Arms Tavern who, he hoped, would never be suffered to give Law." Despite Grenville's objections, the Rockingham Whigs incorporated all the principles of the merchants' settlement in the Revenue Act of 1766. The Treasury also added several more concessions of their own. Accepting the argument that "merchants . . . are very apt to go to the cheapest market" and that "it would therefore be sound policy to render those goods we do not make come as cheap to [the colonists] as is in our power," the Rockingham administration reduced the duty on East Indian textiles and foreign lawns and cambrics sent from Great Britain to America. To avoid draining the colonies of specie, the revenue generated by the molasses duty would remain in America and be held separately as a fund to defray the expenses of His Majesty's forces there. To ease confusion further, the Revenue Act of 1766 included a provision that after January 1, 1767, bonds would be given for all colonial products (whether enumerated or not) that they might not be landed in any part of Europe north of Cape Finisterre. Having made these additional trading concessions, the Rockingham Whigs hoped that the colonies might now be reconciled to trade within the empire.⁶²

The reforms of the Revenue Act of 1766 at first sight seem so comprehensive that it is worth pausing to consider what was omitted. The colonies still lacked the much-sought liberty to carry oil and fruit directly from southern Europe; most notably, the duty on wines remained. In addition, foreign tropical products arriving in Great Britain (indigo, coffee, pimientos, and sugar, especially refined white sugar) were still taxed heavily enough to discourage much colonial interest in developing a carrying trade in those commodities. Even with the exemptions granted by the Revenue Act of 1766, the remaining duties were still sufficient to generate a revenue of nearly £30,000 per annum during the years remaining before the Revolution.⁶³

By itself, the Revenue Act of 1766 did not embody the whole commercial program of the Rockingham Whigs. Historians have frequently overlooked the Free Port Act of 1766, an integral part of the plans for reform as projected by the North American merchants in London and adopted by the ministry. The Free Port Act had its origins in a scheme advocated by merchant M.P. John Huske to establish a number of free ports throughout the American colonies: Port Royal in Jamaica, Basseterre in Grenada, Prince Rupert and Roseau in Dominica, and Pensacola, St. Augustine, New York, Portsmouth, and Halifax in North America. Huske proposed that these ports offer a total drawback on foreign sugar and a reduced molasses duty of a penny per gallon. These ports would be open as well for the importation of African slaves and any European manufactures considered legal under current British statutes. Foreign rum and sugar at the free ports would be placed in government warehouses until re-export, and no produce of the foreign West Indies could arrive in Great Britain or North America without having first come through a free port. The intent of Huske's proposal was to channel the profits of the essential (but mostly illicit) trade in foreign molasses through British hands in the underdeveloped parts of the empire, where most free ports were located. There, foreign vessels would come to sell their molasses and surplus sugar and, it was hoped, purchase large cargoes of British manufactures.⁶⁴

Parliament eventually consented to establish two free ports at Dominica and Jamaica, partly in response to merchant demands and partly because of England's long-standing commercial rivalry with France. It had been the conscious plan of the French since their defeat in 1763 to promote trade between their islands and the American colonies in all goods that the islanders could not procure from France

itself. To encourage trade for these limited purposes, the French had opened free ports at Carénage on Saint Lucia in 1763 and at Guadeloupe and Martinique in the spring of 1765. British merchants blamed this development on the Revenue Act of 1764, which had effectively cut off the supply of British manufactures arriving in the foreign West Indies via North America. One writer warned that the Danes, too, were considering opening free ports at St. John and St. Thomas, and that if this trend continued the Spanish West Indies would soon acquire all their manufactures at these special *entrepôts* established by rival commercial powers. Since the sale of manufactures to the foreign West Indies had once been a considerable branch of British trade, the same writer cautioned that Parliament should act quickly. "We throw away millions of money and oceans of blood to get possession of settlements in America" he wrote, "yet no sooner are [they] in our hands, than we contrive every method to render them totally useless, instead of labouring to turn them to any profitable account."⁶⁵

A year of commercial warfare in the West Indies immediately followed the passage of the Free Port Act, as the French retaliated by closing several of their own free ports. Gradually, however, Great Britain and France became reconciled to the situation that the free ports had created in the West Indies. In an effusive mood after the passage of the act, John Huske, the deviser of the plan, wrote his friends in the colonies that "if the merchants of America will unite for the effectual prevention of foreign produce or manufactures getting clandestinely into his Majesty's colonies, they may expect the whole of America will be put on the same footing as the freeports of Dominica and Jamaica." The English had no objection, he said, to allowing the colonies to import wine, fruit, olive oil, and salt directly from southern Europe, except for their fear that foreign manufactures might be smuggled into the colonies at the same time. Therefore, it behooved all Americans, Huske urged, "to put a stop to all clandestine trade injurious to the interest of the Mother Country."⁶⁶

Huske's letter emphasizes an important theme in the projected commercial reforms advanced by both the London merchants and the Rockingham Whigs. They insisted that in the Free Port and Revenue acts of 1766 Great Britain had made every reasonable concession that colonial merchants might expect; it was now time for the North Americans to do their part by suppressing illicit trade in European manufactures that competed with the trade of the mother coun-

try. The Revenue Act of 1766 stressed only the essential framework of mercantilism: that the colonies should take their manufactures from Great Britain and that a few of America's most valuable raw materials should be reserved for the exclusive consumption of the English market.

This theme was also the principal subject of a public letter addressed by thirty North American merchants in London to John Hancock and other leading Boston merchants. After describing and justifying the provisions of the Revenue Act of 1766 and the Free Port Act, the London merchants concluded by terming the program "the basis of an extensive system of trade between Great Britain and her colonies, framed on liberal principles of reciprocal advantage, relieving the colonies from injudicious restrictions and severe duties" and "opening to them new channels of commerce." The London merchants warned that it was through the flourishing commerce and industry of Great Britain that the empire's army and navy were financed and the civil and religious liberties of the colonies protected. "We are therefore persuaded," they insisted, "that you will think it just and necessary to prevent, by every possible means, foreign states from sharing in the advantage of your commerce and thereby depriving Great Britain of the means to afford you instances of her paternal protection." Any trade between the colonies and "the manufacturing countries of Europe tends to strengthen their navigations and increase their manufactures at the expense of our own." This alone ought to have been sufficient motive "to carry into execution" those provisions of the Navigation Acts designed to inhibit such commerce. "This," the London merchants asserted, "may be effectually done if such trade is held, by the principal merchants among you, to be dishonourable . . . and we flatter ourselves that your friends here will not, on any future occasion, be made to blush by instances of its violation." Clearly, reports of sizable illicit trade in the colonies embarrassed English proponents of liberalizing commercial restrictions and strengthened the hand of Grenville and other hard-liners on colonial policy.⁶⁷

Because of the strength of opposition to commercial reform, the London merchants added, the program embodied by the Free Port and Revenue acts of 1766 was, as yet, imperfect; "for although [the present reforms] are in themselves very important, and far more than could be expected, yet they are to be considered but as the great

Out-lines of a plan to extend the National Commerce.” They realized that “amendments will doubtless be found necessary,” but “in the meantime, we persuade ourselves they will meet with a ready Obediance on your parts.” Two items in particular had been postponed for further consideration: changes in the regulation of paper currency and the importation of wines, fruit, and olive oil direct from Spain and Portugal. Except for these two items, “nothing further remains unredressed which was recommended to us in your memorial,” the London merchants concluded, “but the prohibition you are under from exporting bar iron to foreign countries, a restriction considered as beneficial to the iron manufactures of these kingdoms, to which from good policy, reason and justice, a preference is due.” In a final admonition, the London merchants begged leave

to recommend your avoiding hereafter, any applications, which may be construed into the most distant means of interfering with the manufactures of the mother country, either by furnishing her rivals with raw materials, or by the encouragement of similar manufactures among yourselves. . . . In a word, the system of Great Britain is to promote a mutual interest by supplying the colonies with her manufactures, by encouraging them to raise and receiving from them, all raw materials, and by granting the largest extension to every branch of their trade not interfering with her own.⁶⁸

The Free Port and Revenue acts of 1766 reduced the mercantile system to its barest essentials. With the exception of refusing to repeal the new duties on wine from southern Europe, the Rockingham administration granted nearly every liberty for which the colonies had petitioned during the preceding two years. Now the colonies would have to accept the plan or challenge the Navigation Acts themselves and abandon the very sense of empire that bound them together under the protection of the mother country.

The Colonists Reject Compromise

Most historians have tended to assume that the compromise offered by the Revenue Act of 1766 met with general acceptance among American merchants.⁶⁹ The populace may not have greeted the legislation with the same outrage that the Stamp Act or Townshend Acts

generated, but the merchants themselves cast a skeptical eye over the Rockingham administration's new trade program.

Much of the reason for the assumption of the general acceptability of the Revenue Act of 1766 has been the prevalence of the belief that a one-penny duty on molasses would be so low as to render smuggling no longer profitable. Although there is some contemporary authority for this belief, Ian Christie and Benjamin Labaree have pointed out that receipts for the molasses duty still continued to be quite low (suggesting continued noncompliance) even after 1766. If the colonies consumed an estimated 8 million gallons annually, the revenue produced should have been £33,333 a year. Instead receipts for 1767–1768 were slightly under £12,000 each year. Thus, if even the reduced molasses duty (surely one of the most liberal provisions of the Revenue Act of 1766) was unacceptable, how much less satisfactory must colonial merchants have found other aspects of the proposed settlement?⁷⁰

The evidence clearly suggests that the Revenue Act of 1766 was less well received in Boston than historians have generally assumed. It is true that some merchants, such as John Powell, who held the navy supply contract, hoped that “the Trade bills . . . will prove advantageous & Induce [the colonists] that the Mother Country never Intended an Injury To Them.” Yet the response of others was more guarded. In acknowledging receipt of the open letter of the North American merchants in London, John Hancock informed his correspondents Harrison & Barnard that the Bostonians were obliged to the London merchants for their “Exertions & Endeavours to remove our grievances.” But although Hancock added that he was sure that “the Colonies will ever shew great Gratitude to their Benefactors,” he refrained from endorsing the provisions of the Revenue and Free Port acts.⁷¹

On May 5, 1766, Boston papers printed the text of the letter of the North American merchants in London. Yet earlier that same week James Otis had attempted to block a public reading of the letter in a town meeting because of the letter's insistence that Americans should henceforth avoid inflamed rhetoric that cast doubt on the absolute power of Parliament. At the same meeting, Otis delivered a speech in which he claimed that the distinction between internal and external taxes was “without foundation”; whoever could impose one could impose the other, and now that Parliament had given up inter-

nal taxes by repealing the Stamp Act, it had given up the power to impose external taxes as well. Therefore, said Otis, "the Merchants were great fools, if they submitted any longer to the laws restraining their trade, which [by nature] ought to be free." When news of this declaration reached England, it prompted one high-ranking adviser to the secretary of state to declare Otis guilty of treason, but the immediate effect of Otis's remarks, according to Bernard, was "that a common talk prevailed among the People that there should be no more seizures in this Town." "The popular leaders have laboured so successfully," concluded Bernard, "that the very Principles of the Common People are changed; and they now form to themselves pretension & Expectations, which had never entered into their Head a Year or two ago."⁷²

The same spirit that infected Otis and the common people may have influenced the merchants as well. On June 24 the Boston Society for Encouraging Trade and Commerce met to "consider letters from Great Britain relative to our trade and commerce," including, most probably, the general letter addressed to Hancock. And although the papers carry no notices of any further merchants' meetings in the fall of 1766, a BSETC committee must have begun work in the early fall on a petition against the continuing restrictions on their trade. Certainly they had a draft version of their petition ready by November 25 to present to a committee of the House of Representatives, which met with the merchants "to consider the Difficulties the Trade of the Province Labours under." New Yorkers were also at work on their own petition, but since the covering letter accompanying their petition was dated November 24, the New York petition could not possibly have arrived in time to be useful at the committee hearing. Boston merchants were ready to petition against the Revenue Act of 1766 even without the urging of the New York merchants.⁷³

The Boston merchants eventually forwarded their petition on January 17, 1767, to Dennys DeBerdt, the colony agent, so that he might present it to the House of Commons during Parliament's winter session. The petition enjoyed such wide-ranging support throughout the membership of the BSETC that twenty-three of the document's sixty-six principal merchant signers were future Loyalists. Even the most conservative merchants were not put off by its contents. The document itself was an odd amalgam of bits of the text

of the 1764 "Proposals" combined with new grievances. The petition began by repeating the time-honored formula that restrictions on colonial trade only diminished the Americans' capacity to buy manufactures from Great Britain. The merchants moved next to an attack on the new additions to the enumerated list. If the reason for these additions was, as it appeared to the Bostonians, to hinder further clandestine trade with Europe, the merchants proposed that the same purpose might be answered by greater vigilance among the customs officers in checking outward-bound cargoes. In this way, illicit trade could be reduced without the more drastic remedy of curtailing colonial trade in commodities that had once procured valuable remittances to Great Britain.⁷⁴

The reordering of the West India trade was another source of concern to Boston merchants. Above all, they objected to the provision of the Revenue Act of 1766 that classed all sugar coming from North America as foreign. This enabled West Indians to ship sugar from the British islands to England duty-free, while Americans now had to pay a tax of five shillings per hundredweight. Thus, the Americans believed they were cut off from a "considerable Article of Export." Interestingly, the merchants excised from an earlier draft of the petition a clause that admitted that the lowering of the molasses duty to a penny had been beneficial to trade and substituted instead a paragraph reminiscent of the 1763 "State of Trade," which claimed that *any* duty on molasses was a threat to the fishery and a discouragement to the lumber and shipbuilding industries. In the final item of their consideration of the reordering of the West Indies trade, the Boston merchants singled out the enumeration of foreign logwood as a special grievance. The colonists had previously obtained logwood by exporting small quantities of British manufactures to the coast of Central America, where they bartered for the valuable dyewood. The colonists, of course, emphasized the loss of sales in British manufactures that the enumeration of logwood had caused, but it is an open question whether this was the real source of their complaint or whether the loss of foreign logwood (which had been a staple part of any cargo bound to Holland) threatened their ability to carry on an illicit trade with the Dutch. Certainly the reordering of the West Indies trade, which the Rockingham administration thought had been done to colonial advantage, was not regarded by the Boston merchants as a satisfactory settlement of their grievances.⁷⁵

A third section of the petition concerned the new regulations surrounding customs enforcement in North America. The merchants objected to the "multiplicity of bonds" and the "unlimited power given to the Officers of the Customs." It was an ill-advised policy, the merchants maintained—perhaps remembering the Barons affair—that customs officers, as well as the governor and the judge of the admiralty court, should be paid from the proceeds of seizures. Such a provision only encouraged injustice and corruption. When considered together, the ways the Acts of Trade were enforced were almost as objectionable as the rearrangement of the pattern of trade since 1764.⁷⁶

The last items in the 1767 petition of the Boston merchants to the House of Commons concerned trade with southern Europe. The merchants once again requested the liberty to import olive oil and fruit directly from Spain and Portugal, since such items were likely to spoil when routed through England. The Boston merchants dropped any mention of the £7 duty on Madeira wine. (Ironically, demand had now driven prices so high that few Americans could afford it anyway.) Instead they requested permission to import wines directly from the Iberian Peninsula, since their prices were now more reasonable than the wines of the Atlantic islands. The merchants concluded their petition by reminding the members of Parliament that "the trade of America as it has hitherto been conducted is really the Trade of Great Britain," that it was "one grand source of money" enriching both the manufacturers and the landholders of England, and that a flourishing trade was "a strong chain of connection between the Mother Country & the Colonies, & the principal Means whereby she makes them useful to her."⁷⁷

What the Boston merchants decided to leave out of their petition was almost as significant as what they chose to include. As well as deleting any admission of the acceptability of the one-penny duty on molasses, the merchants suppressed several other sections of the petition. In their discussion of the export of foreign sugars to Europe, they excised from the second draft any specific mention of the ports of Amsterdam, Hamburg, and St. Petersburg, the principal places from which European manufactures were illicitly obtained. Likewise, the merchants eliminated the complaint that despite Parliament's benevolent intentions, the free ports of Jamaica and Dominica would be of little advantage as long as trade there was confined to

molasses alone. The merchants wanted the liberty to trade at the free ports for all the produce of the foreign West Indies, including foreign sugar and rum.⁷⁸ In most cases the intent of the deletions was to suppress anything that might arouse suspicion of North American smuggling interests or make colonial merchants appear anything less than model citizens of the empire.

That the Boston merchants were not alone in their objections to the Revenue Act of 1766 is suggested by the similarity of their January 1767 petition to that of the New York merchants, compiled earlier but forwarded to England at about the same time. Both petitions maintained that the high duty on foreign sugar eliminated it as an article of trade. Both documents agreed that the classification of all sugar coming from North America as foreign was injurious to commerce. Both Boston and New York merchants petitioned for permission to import wine, olive oil, and fruit directly from Spain and Portugal. And both cities agreed that the new bonding provisions were an unnecessary burden and greatly boosted costs. The chief difference between the two petitions lay in their language: the New Yorkers were much less discreet. The New Yorkers termed the high duty on foreign sugar an incentive to smugglers, thus calling attention to illicit trade in that commodity, the profits of which, according to John McCusker, dwarfed those accrued from smuggling foreign rum and molasses. Furthermore, the New Yorkers specifically requested the liberty to ship foreign logwood to foreign ports and concluded with the sweeping charge that despite its good intentions, the Revenue Act of 1766 had increased rather than decreased the burdens on North American commerce. The chief defect of the New York petition was that it drew too great attention to how many of America's real trading interests still lay outside the empire. No wonder, then, that when Massachusetts agent Dennys DeBerdt received the Boston merchants' petition in March 1767, he chose to present it privately to secretary of state Lord Shelburne rather than read it in the House, where the "warm expressions" of the New York petition had already given considerable offense. Thus, the petition that had preoccupied Boston merchants throughout much of the fall of 1766 and had summarized so many of their grievances was quietly shunted aside.⁷⁹

Nevertheless, the 1767 House of Commons petition is an important document because it indicates just how far the thinking of Boston merchants had progressed since 1762, when they demanded

only that the revenue laws be enforced with the same vigor in other colonies as they were in Massachusetts. From that point in 1762 to the expiration of the Molasses Act in 1763, Bostonians petitioned only for a moderate 1- or 1½-penny duty on foreign molasses and the “liberty” to import wine, olive oil, and fruit direct from southern Europe. When confronted with a revival of orthodox mercantilism in the Revenue Act of 1764, however, Boston merchants realized that their desires were far more comprehensive.

When the Grenville administration’s Revenue Act of 1764 attempted to choke off all the profitable avenues of trade that had grown up outside the empire during the years of salutary neglect, the Boston Society for Encouraging Trade and Commerce responded with an energetic protest. Powerful interests within the BSETC sought to preserve previous conditions of trade with southern Europe and the foreign West Indies, while the smugglers, whose profits the new legislation intended to undercut directly, needed no persuasion to join eagerly in the movement for the act’s repeal. The remittances earned from extra-imperial trade, they argued, were essential if Americans were to continue consuming British manufactures at their present rate. Still other merchants worried that Boston’s already declining trade simply could not survive the stringent provisions of the new legislation. At this point, Americans may not have been very clear about what they thought the ideal ordering of imperial affairs would be, but it was emphatically not the plan embodied in the Revenue Act of 1764.

The repeal of the Stamp Act and the advent to power of the Rockingham Whigs offered a rare opportunity for rapprochement between Parliament and the colonial merchants. At the urging of the North American merchants in London, Parliament pared back its expectations concerning American trade and insisted only on the essentials of the mercantile system: that the colonies should continue to buy all their manufactures from the mother country and reserve their most valuable raw materials for the exclusive use of Great Britain. Times had changed, however, and Boston’s economic problems had deepened; what once would have been a satisfactory solution no longer appeared that way. The colonists rejected the compromise plan offered by the Free Port and Revenue acts of 1766. By 1767,

Boston merchants were insisting on the complete legalization of all the legal and illegal practices that they had followed before 1764.

As time would soon tell, however, this was a demand that Parliament was unprepared to meet. As Ian Christie and Benjamin Labaree have aptly remarked, "Suggestions . . . that the British government should simply return to the state of things obtaining in 1763 were less practicable than their makers perhaps realized." From the British point of view, the situation in 1763 was unacceptable, a condition dominated by deterioration and decay; centrifugal forces (demands for colonial autonomy and an unrestricted trade) simply threatened to tear the empire apart. Although the measures under Grenville had been "intended to stabilize the Empire and improve the working of the system," the colonial determination to return to the *status quo ante* "amounted to a demand that [these] centrifugal forces be allowed to work themselves out to their logical conclusion."⁸⁰

The Boston merchants maintained a remarkable unanimity of purpose throughout the 1760s, seldom quarreling with each other and instead focusing their resentment on corrupt local authorities and misguided parliamentary legislation. During the next three years, however, the merchant community would shatter into fiercely contending factions as the entire question of the benefits of empire was put to the test in the debate over whether to break off imports from England in response to the Townshend Acts.

3.

Boston Merchants and the Internal Politics of the Nonimportation Agreement, October 1767–December 1769



Throughout the early 1760s, Boston merchants had presented a united front in opposition to the changing face of imperial policy. From the time of the Barons controversy through the struggle against the Revenue Act of 1764, there had been little disagreement among the merchants themselves. Even their January 1767 petition to the House of Commons, embodying as it did their most extreme statement to date of the rights and privileges of American merchants trading within the empire, had caused no dissension within their ranks. But the arrival in midsummer 1767 of the news of parliamentary approval of the so-called Townshend Acts would change all that forever. The Boston merchant community would never again know such harmony of opinion in the years preceding the Revolution.

The debate over the best mode of resistance to the Townshend duties and over the policy of renewed nonimportation split the mercantile population of Boston into sharply conflicting groups. Not only did nonimportation become a means of resisting the latest British restrictions on American trade, it also served a variety of local purposes. For a handful of the town's principal dry goods merchants,

nonimportation provided an ideal opportunity to reduce large inventories and drive out many of their recently established competitors.¹

The years preceding the controversy over the Townshend Acts had been a period of significant change for the Boston merchant community. During the last seven years, the number of wholesale merchants in Boston had increased somewhere between 40 and 48 percent. Accounting for the largest portion of the influx were retail shopkeepers, who, because of the British merchants' liberal credit policies, had begun importing goods on their own account. Their numbers had tripled since 1760.² To compound a difficult situation further, native American merchants also needed to contend with an influx of factors or agents, dispatched by English and Scottish merchant firms hoping to do business in the colonies directly.

Thus, the size of the mercantile community late in the 1760s appeared to be increasing beyond the capacity of Boston's shaky post-war economy, a fact apparently confirmed by a rash of bankruptcies in 1765–1766.³ The situation prompted John Hancock, probably Boston's leading merchant, to conclude, "Our trade must be in fewer hands, or it will not be worth my pursuit."⁴ To restore some sort of balance to the dry goods trade, a number of the city's largest independent merchants seized upon nonimportation as a handy way of thinning the swollen ranks of their competitors while still staunchly adhering to the patriot cause. Thus, large-scale importers now joined smugglers and traders with southern Europe as key groups within the patriot party.

Arrayed against the patriots was a loose coalition of opponents. Their ranks included not only the patriots' traditional merchant enemies who profited from military contracts and the favor of those in high places, but also a variety of resident British merchants and recently established importers. Although some of the largest entrepreneurs of the dry goods trade were firmly committed to the patriot cause, many independent merchants of intermediate status opposed the nonimportation plan, either because they were unable to imagine trade cut off from their British suppliers or because they disliked the merchant princes who led the patriot vanguard. Thus, the merchants themselves were bitterly divided over the best policies to pursue.

Unable to bring about a consensus among the importers of foreign goods, the leading supporters of nonimportation found it

necessary to expand greatly the number of people participating in deliberations on commercial policy. Decisions were no longer made by the elite BSETC, but rather by a new group of “merchants and traders,” frequently referred to as “the Trade.” By late in the period, as a number of shopkeepers tottered on bankruptcy, an even larger group, called “the Body”—a gathering essentially indistinguishable from the town meeting—began to monopolize decisions concerning mercantile policy.⁵

*The Nonconsumption Resolves,
September 1767–February 1768*

The *Boston Gazette* first proposed nonimportation as a response to the recently enacted Townshend legislation on August 31, 1767. Within three days of the article’s publication, Hancock was writing approvingly of the scheme to his English correspondents. Not all merchants were equally enthusiastic; nonimportation, as Governor Bernard observed, “must affect middling & little Traders, many of whom must be ruined by it, whilst Men of Great Property & credit might be benefitted by it by becoming Monopolists.”⁶

Since the merchants were unlikely to come to an agreement on a binding nonimportation plan by themselves, it was possible that leading patriots could coerce them into it by promoting a consumer’s boycott, or nonconsumption agreement. On October 28, the Boston town meeting met to consider “measures for economy and frugality to lessen the consumption and importation of European manufactured goods.” Most of the merchants appointed to circulate a “subscription paper” among the inhabitants had participated in the Barons affair and served on the BSETC committees, which had drafted petitions against the Revenue Acts of 1764 and 1766. Several committee members, such as Melatiah Bourn, Solomon Davis, and John Rowe, were inveterate smugglers, and another member, Jonathan Williams, was a major importer almost as heavily stocked with goods as Hancock himself.⁷

The text of the agreement, which the town meeting adopted unanimously, pledged the signers to refrain from purchasing after December 31, 1767, any of a long list of high-priced textiles and other items usually imported from Great Britain. Sources differ concerning the success of the subscription once it began to be circulated.

According to the *Boston Gazette*, the leading patriot newspaper, a "great Part" of the inhabitants had signed. Royal officials were more skeptical. Both Hutchinson and Bernard alleged that most of the signers were persons of no consequence. At any rate, nonconsumption proved an ineffectual tool for opposing British policy. If the subscribers were not themselves merchants, they could do little to stop the actual importation of goods. Furthermore, paper, tea, glass, and painter's colors (the items taxed by the new Townshend duties) were not even included on the nonconsumption list.⁸

*Boston Proposes the First Nonimportation Agreement,
March–June 1768*

Ultimately the nonconsumption agreement was not strong enough to satisfy the demands of either the patriot politicians or the financially embarrassed great merchants seeking to drive out new competition. On February 29, 1768, the *Boston Gazette* announced a meeting for March 1 of "the Merchants and Traders of Boston" (notably not the BSETC). Unable to bring about a consensus among the major importers themselves, leading patriots sought to enlarge the ranks of those making the decision. With the extra votes of petty traders and artisans who had hitherto been excluded from the merchants' councils, the patriots hoped to force the hands of the reluctant importers. Not surprisingly, the new body of Merchants and Traders endorsed a resolution calling for a halt to the importation of goods from Great Britain for eighteen months beginning June 1. The agreement also contained a clause making compliance conditional upon the adoption of similar resolves by New York and Philadelphia merchants. Once again the committee chosen to enforce the resolution was composed either of smugglers long active in town affairs or merchants who carried some of the largest inventories of goods.⁹

Bernard again alleged that the subscription met with no great success, but by the end of the month, Samuel Phillips Savage, a retired insurance broker and Whig amanuensis, reported more confidently. Of the 143 firms in town that imported goods from England, 102 had subscribed, 20 had agreed to sign "if the thing became general," and an additional 8 had declined signing but had promised on their honor not to send for any goods. Thirteen firms had initially

refused the agreement outright, but 7 of those had since signed or pledged not to import, and so, according to Savage, only 6 remained uncommitted.¹⁰

Governor Bernard was not always the most discerning observer of events in his own colony, but in this instance he accurately described to Lord Shelburne the economic circumstances that had launched the nonimportation movement. "The English merchants," he noted, "have brought themselves under difficulties in regard to their American debtors." Formerly the merchants in Boston were like those in London, "importers and Dealers by wholesale & by no means retailers." In those days, the merchants in London dealt for a small gain so that Boston retailers "might have a reasonable profit." But, he reported,

for some Years past the London Merchants for the sake of advancing their Profits have got into dealing immediately with the Retailers, and have thereby abolished the Distinction of Merchants at Boston: so that at present every Merchant is a Shopkeeper & every Shopkeeper is a Merchant. Hence instead of dealing with Respectable and Creditable Houses, the London Merchants are engaged in a great Number of little Shops. . . . They have extended their Credit beyond all bounds of Prudence [and] have glutted this Country with Goods much more than its real Wants required.¹¹

The liberal terms of credit, for which the colonies continually clamored, had created an unstable and fiercely competitive atmosphere among Boston merchants.

One of the nonimportation proponents' most important concerns was the extension of the agreement to include the surrounding towns in Massachusetts as well as the rival commercial centers of New York and Philadelphia. The Merchants and Traders chose a committee of correspondence (again composed mainly of major dry goods importers and smugglers) to proselytize on their behalf. On March 29 Salem merchants adopted a plan identical to Boston's, and in mid-April the good news arrived that New York merchants had agreed not to write for any goods after June 14 or receive any sent from England after October. This plan, however, was contingent on Philadelphians' joining the agreement before the June 14 deadline which they failed to do.¹²

From fall 1767 to spring 1768 Boston moved from a town-imposed plan of nonconsumption of British manufactures to a merchant-sponsored nonimportation boycott. In proposing such a plan, Boston first distinguished itself as the most radical of all the seaport towns in its opposition to the Townshend Acts. Although the news that New York and Philadelphia merchants were unwilling to join them in such resistance prompted the Bostonians to reconsider their plans, Boston continued throughout the entire nonimportation controversy to be the center of the most far-reaching colonial demands.

*Boston Adopts Unilateral Nonimportation,
August 1768–March 1769*

Despite lack of support from other towns, opposition to British commercial policy deepened in Boston throughout the spring and summer of 1768. Forcible resistance to customs authorities was on the rise, culminating in the riot that followed the seizure of John Hancock's sloop *Liberty* on the evening of June 10. Despite the amount of historical inquiry that the *Liberty* incident has engendered, Hancock's guilt or innocence and the exact charges against him are still fiercely debated. It is safe to say, however, that reports of the incident and the subsequent flight of the American Board of Customs Commissioners to the security of Castle William led directly to the stationing of royal troops in Boston.¹³

By August, the Boston merchants had become sufficiently angered by parliamentary intransigence to adopt a unilateral plan of nonimportation. Sixty of sixty-two merchants attending an August 1 meeting signed an agreement prepared by the standing committee. Additional meetings were called to boost the number of subscribers, and after a third meeting of the Merchants and Traders, Thomas Hutchinson noted that nearly 200 had signed, although "two thirds of them [were] shopkeepers or such as have not imported Goods." By August 10, only sixteen still refused to cease importing. Perhaps more significant is the increase in the number of merchants who declined to sign but promised not to import: from eight in March to nearly forty in August. Clearly the notion of unilateral nonimportation seems to have met greater initial resistance in Boston than the original agreement.¹⁴

In his report to the new secretary of state, Lord Hillsborough,

Governor Bernard was skeptical that nonimportation would have much effect. "The futility of this Threat," he wrote, "will be exposed by an Enquiry into the Quantity of Goods which have lately been ordered from Great Britain which has exceeded & anticipated the usual Quantities & Times in order to provide for an Abstinence from Importation for a year." Within Boston, rumors of the stockpiling of goods circulated with such frequency that Jonathan Barrett & Sons, a leading Whig firm and one of the eight most heavily stocked with goods, found it necessary to deny the charge in the newspapers.¹⁵

Although the Boston merchants were encouraged by the news that New York merchants had followed their example by adopting an independent nonimportation agreement, the fall of 1768 was a period of deepening gloom for the colonies. Philadelphia merchants had once again balked at the idea of nonimportation and had opted for the more moderate course of petitioning Parliament for redress. To make matters worse, on Friday, October 1, two regiments of British regulars landed in Boston, and on Friday, October 23, attorney general Jonathan Sewall filed a suit against John Hancock and four other alleged merchant accomplices for £9,000 each, treble damages for their involvement in the landing of 100 pipes of wine from the *Liberty* on the night of May 9. Both the nature of the suit and the size of the damages sought were unprecedented, but Thomas Hutchinson was encouraged by this show of strength from the government. "It is high time," he commented, "that the Acts of Trade should be more generally observed. We have been so long habituated to illicit Trade that people in general see no evil in it."¹⁶

The presence of royal troops also wrought remarkable changes in the politics of some merchants. William Molineux offered the army quartermasters the use of some vacant stores on Wheelwright's Wharf for the inflated rent of £400 per annum, and John Rowe began to actively solicit the supply contract for the troops. Rowe, who had been a leading figure among the patriot merchants since the time of the Barons controversy, now began to cool in his ardor for the cause.¹⁷

The Philadelphia merchants finally adopted a preliminary nonimportation agreement on February 6, 1769, when they decided to delay their winter orders until March 10. When that deadline expired without a parliamentary repeal of the duties, all three major seaport towns of the northern colonies had, at last, come into the

agreement. By adopting a unilateral nonimportation pact, the Boston merchants had finally shamed their New York and Philadelphia colleagues into compliance with their wishes. The Boston patriots were now armed with their most sought-after weapon of resistance against the Townshend duties; only time would tell whether the agreement could be enforced in the face of displays of renewed strength by imperial authorities.

*The Struggle to Enforce the First Agreement,
March–July 1769*

The initial enthusiasm for nonimportation kept orders for goods low in Boston during the fall and winter; the real test of the strength of the agreement did not come until the arrival of spring goods in 1769. On April 27, the Merchants and Traders received the report of a committee they had appointed to review the cargo manifests of recently arrived ships. The committee listed as importers seven of the firms that had subscribed to the August 1768 agreement, including John Rowe, George Erving, and John & Thomas Pitts, all good Whigs and merchants with significant political influence. Of the subscriber importers, only Erving had received goods in any significant quantity (£50 worth of tea and spices). Four of the offending subscribers either delivered up their goods to the care of the committee or announced their willingness to do so. Importations among nonsubscribers, however, caused greater difficulty. Twenty-five nonsubscribing firms had imported large quantities of packages, the contents of which were mostly unknown. (The way the controversy over the nonimportation agreement foreshadowed revolutionary loyalties is suggested by the fact that among the thirty violators of the agreement, twenty-two were future Loyalists, three died or departed before the Revolution, and only one is known to have been a patriot.) Before adjourning their meeting until May 2, the merchants appointed a committee to confer with the nonsubscribing importers and to consult how best to prevent further violations of the agreement.¹⁸

Governor Bernard remained cynical about the merchants' efforts. Concerning the pledges of several of the importers to surrender their goods, he said, "This will be done one Week until the Talk is over & the Goods will be returned in another." Bernard took comfort in the fact that, to his knowledge, no new names had been added to the subscription lists and that among the nonsubscribers

were some of the “first Merchants of the Town” (Richard Clarke & Sons, Joseph Green & Nicholas Boylston, Benjamin Greene & Son, Thomas & Elisha Hutchinson, and the Hutchinsons’ kinsman Nathaniel Rogers). Although Bernard called these men “first Merchants of the Town,” none carried inventories as large as the leading patriots. In addition to these nonsubscribers of middling status, Bernard mentioned that there were also “the Scotch merchants, . . . a considerable Body, [who] are all, to a Man, importers.”¹⁹

To promote the agreement, however, the merchants’ committee took a more roseate view of the situation than Bernard. They published notices in the newspapers that only 6 of 211 importers in the spring shipment of goods were actually signers and that the nonsubscribers’ “importations were small, consisting of duck [a canvaslike fabric] or some other Articles as were not contrary to the agreement, except for six or seven persons whose importations appear to be as usual.” For the moment, the merchants refrained from publishing the names of the six or seven principal importers because of threats of libel, but by late May handbills flooded the town, identifying the chief offenders as William Jackson, Jonathan Simpson, John Taylor, Samuel Fletcher, Theophilus Lillie, Thomas & Elisha Hutchinson, and Nathaniel Rogers, together with Scottish merchants James & Robert Selkirk and James & Patrick McMasters. In general, the people of Boston expressed satisfaction with the merchants’ proceedings and concluded that “our Merchants have kept Their Agreement, pretty well, very few goods [having been] Imported this Spring.”²⁰

To contradict this impression of general compliance, the importers cited in the handbills printed a notice in the *Boston Chronicle* alleging that the scale of importations was actually much larger than the patriots had represented. Twenty-one vessels had arrived from Great Britain between January 1 (the date the agreement took effect), and June 1, 1769; onboard those vessels, 109 different people, including a number of subscribers, had imported 162 trunks, 270 bales, 182 cases, 233 boxes, 1,116 casks, 139 chests, and 72 hampers of British merchandise. The notice in the *Boston Chronicle* prompted the committee of merchants to announce that they were sorry to find that some of the nonsubscribers had “so little regard [for] what is generally apprehended to be the Welfare of the Country as to endeavour to frustrate the good intention of the agreement.” The committee charged the nonsubscribers with deliberately distorting facts,

by including in the number of importers “all those that belonged to other Ports, being upwards of 100,” as well as “Clergymen, Masters of Vessels, and Private Persons who had only a single item for their family use: and to make the number of Importers appear as large as possible, they have, where persons have been in Partnership, reckoned both the partners.” The advertisement of the nonsubscribing importers, they claimed, disregarded items conformable to the agreement and had included the cargoes of ships that had been blown off course or had had long passages, therefore arriving after the January 1 cutoff date. Their advertisement had also included packages for the army and navy, as well as three vessels from Scotland “chiefly belonging to strangers that came over here to build ships.” Once such distortions were taken into account, the merchants’ committee argued that it was obvious that the spring importations were “trifling and of little value.” The signers had imported mainly beer, empty bottles, linseed oil, and cheese—and, most importantly, not “a single Article of Woolens or any kind of piece goods,” which had been the chief object of the agreement. The merchants’ committee concluded by calling on the authors of the advertisement “to publish the Names of the Importers, the Quality of the Goods imported, and to point out the particular Signers, if they can produce any, that have imported any other Goods than what is above expressed.” John Mein, the printer of the *Boston Chronicle*, would later give the patriots good reason to regret their challenge.²¹

The brief exchange between the merchants’ committee and the accused violators of the nonimportation agreement set the pattern for most subsequent newspaper controversy. The patriots always sought to minimize the extent of violations in order to maintain the appearance of widespread compliance with the agreement, while their opponents doggedly held up for public notice even the most minor violations.

*Boston Proposes an Expanded Nonimportation Plan,
July–August 1769*

The arrival of news in mid-July that Parliament was considering the partial repeal of the Townshend duties caught the patriot leadership off guard. Royal officials in Massachusetts had long maintained that

the Townshend Acts were not, by themselves, the sole object of the patriot attack. Bernard had earlier reported that "one of the chiefs of the Faction here said . . . that things would never be properly settled in America till the Parliament had repealed all the Acts affecting the American Trade from the 15th of Charles 2 [the principal Navigation Act] to the present." Thus it came as little surprise to government party men when in mid-July the patriots called for a fresh set of resolves to extend nonimportation until all the Revenue Acts were repealed. Once again Hutchinson suspiciously charged that the chief supporters of the extended resolves were either merchants in declining circumstances or "such as have vast quantities of goods on hand."²²

On July 26, however, instead of demanding the dismantling of all the Revenue Acts, the Merchants and Traders voted only that they would not be satisfied by the removal of the duties on glass, paper, and painter's colors alone, but would hold out until the duty on tea was removed as well. The merchants also agreed not to receive or pay freight on any goods consigned to them or on goods that arrived in Boston without having been ordered. (A number of London merchants had disregarded their correspondents' instructions and had sent the normal spring shipments of goods anyway.) To eliminate further misunderstanding, the merchants added gunpowder, German steel, copper, shears, tin plate, brimstone, alum, chalk, grindstones, drugs, and various dyewoods to the list of permissible imports, since all these items were more or less indispensable commodities and had been overlooked in the hasty framing of the original resolves. During the spring of 1769 the merchants had allowed the importation of all these articles as comformable with the spirit, if not the letter, of the agreement. The July 26 meeting appointed yet another committee to enforce the new agreement and designated five men to prepare a new "State of Trade" and a representation on the conduct of the recently arrived American Board of Customs Commissioners. The new "State of Trade" eventually became a pamphlet entitled *Observations on the Several Acts of Parliament*, which, in typical fashion for the Boston merchants, incorporated large parts of previous petitions.²³

During the first weeks of August, the newly formed committees brought intense pressure to bear on all merchants who still refused to honor the recently enlarged agreement. Whenever possible the patriots cajoled and persuaded, but when all else failed, the specter of mob violence added extra weight to their words. Theophilus

Lillie, an importer of small-to-middling status, whom the patriot Harbottle Dorr called “an obscure person hardly known before” but with “some connections with Hutchinson’s family,” left a detailed account of his encounter with the patriot committees. On the morning of August 1, William Whitwell, Benjamin Austin, and Thomas Boylston confronted Lillie, urging him to sign the agreement, but he refused. Before departing, the committee members suggested an alternate course of action: Lillie could agree independently not to import without actually adding his name to the subscription lists. Shortly after noon, even though he did not wish to do so, Lillie signed a paper promising unilaterally not to import any goods before January 1, 1770. At their meeting late in the afternoon, however, the Merchants and Traders rejected Lillie’s independent agreement and criticized the committeemen for suggesting the idea. The Merchants and Traders then summoned Lillie to attend the meeting, but friends and fellow importers advised him not to go. After Lillie defied a second summons on August 7, his name was printed in the newspapers as an importer, and committeemen distributed handbills throughout the country towns discouraging local shopkeepers from patronizing Lillie’s store.²⁴

Following a meeting of the Merchants and Traders on August 11, 1769, the merchants’ committee announced the results of their recent campaign in a signed advertisement. Six of the former hold-outs had now acceded, but the others remained obdurate. Therefore, the Merchants and Traders passed a resolution: “Whereas all well-disposed Merchants . . . have entered into an agreement not to import any goods from Great Britain,” those few men who still persisted in importing “must be considered enemies to their country.” The printed notice finished by listing the names of the offenders. Former importers on the list included Nathaniel Rogers, Theophilus Lillie, Thomas & Elisha Hutchinson, and James & Patrick McMasters. Three new names were also added: Richard Clarke & Sons, John Bernard (whose father, the governor, had recently taken ship for England), and the Scottish printer of the *Boston Chronicle*, John Mein.²⁵

Although the members of the merchants’ committee were well known in Boston, their names had not yet appeared in any public document before August 17. Listed as members of the standing committee at the bottom of the advertisement were Thomas Cushing, John Hancock, John Rowe, Edward Payne, William Phillips, and

Jonathan Barrett. As a premier importer and leading advocate of non-importation, Hancock's presence on the list requires little explanation. Likewise, Phillips and Barrett were among the eight Boston merchants carrying the largest stocks of goods. John Rowe was a leading patriot smuggler whose politics had become confused after he secured the supply contract for the British regulars in October 1768. Cushing, the speaker of the house, was more a politician than a merchant, but Payne had been at the center of merchant deliberations since his arrival in Boston in the early 1760s. A moderate, Payne later resigned from the committee and was replaced by Gilbert Deblois, another of Boston's top twenty wholesale merchants. Deblois, whose enthusiasm for the cause was lukewarm at best, was soon turned out for violations of the agreement and replaced by zealous Whigs William Molineux and William Greenleaf. Grasping at any opportunity to oppose the extralegal authority of the merchants' committee, Thomas Hutchinson (who as lieutenant governor was now chief executive officer of the province) dispatched the names of the committeemen to the authorities in England. Although the committee's August 17 advertisement contained nothing overtly criminal, Hutchinson hoped that when the names were connected with former resolutions "professing a design to compel Parliament," some action might be taken.²⁶

The summer of 1769, in short, witnessed an intensification of pressure on the nonsubscribers, as patriots sought to build support for the new, extended form of the nonimportation agreement. Government party spokesmen would need to muster opposition soon or face the complete collapse of their cause.

John Mein and the Boston Chronicle

Far more effective opposition than the lieutenant governor's came from John Mein, the printer of the *Boston Chronicle*. Mein, a native of Scotland, arrived in Boston in October 1764, and in December 1767 he founded the *Chronicle* together with his friend and countryman John Fleeming. Although Mein is frequently called a Loyalist or Tory, it is important to note that for the first year and one-half of the paper's existence, the political content of the *Boston Chronicle* was virtually indistinguishable from that of any other Boston newspaper. Mein even printed extracts from such quintessentially Whig texts as

Junius Americanus and John Dickinson's *Farmer's Letters*. Mein, however, quarreled very early on with Benjamin Edes and John Gill, the publishers of the *Boston Gazette*, the town's leading patriot weekly. The choleric Scot actually caned Edes when he refused to reveal the author of a *Gazette* article critical of the *Chronicle*. The subsequent suit for assault dragged on until March 1769, during which time Mein drifted farther and farther away from the patriot camp and took the lucrative post of stationer to the American Board of Customs Commissioners, a position government party politicians had secured for him. Mein also, it will be recalled, printed in June 1769 the non-subscribers' advertisement contradicting the official statement of the merchants' committee. Thus, he was probably the only one surprised when, on August 11, the Merchants and Traders added his name to the list of importers, even though the amounts he had imported were tiny in comparison with the other offenders and were not even appreciably larger than the quantities of goods ordered by other Boston printers.²⁷

In his own defense, Mein argued that he had never considered himself a merchant and thus had not felt obliged to sign the nonimportation agreement. He also claimed that he had bought up to £300 or £400 worth of American manufactured paper at Milton, but that the mill there could not supply enough to meet his needs. Were he to cease importing paper and binding materials from England, he would need to close his shop, leaving twenty-one employees jobless. To strike back at the patriots, Mein vowed that he would reprint all the merchant committee's public statements from August 1, 1768 (the date of the original agreement) to June 1, 1769, as well as the cargo manifests of the thirty vessels that had arrived since January 1, thus exposing all the violations condoned by the committee.²⁸

Mein began in early August by printing the manifest of the snow *Pitt*, which had arrived on June 1, a document he must surely have secured through his connections at the customs house. Mein's treatment of this manifest is typical of his procedure throughout the controversy. By printing the entire manifest, without distinction between Bostonians and non-Bostonians or between allowable and prohibited commodities, Mein attempted to make the breaches of the agreement seem more prevalent than they actually were. Throughout his fight with the merchants' committee, Mein stuck doggedly to a

literal interpretation of the original terms of the agreement: the only allowable imports he recognized were salt, coal, fishhooks, lines, hemp, duck, bar-lead, shot, wool-cards, and card wire. He portrayed anything else as a violation. The patriots, on the other hand, who were eager to bring as many participants into the agreement as possible, were prepared to overlook small quantities of contraband goods. Likewise, they intended the burden of the boycott to fall on British-made textiles and the particular goods chosen for the new Townshend duties. They were ready, then, to tolerate importations of some types of hardware, without which they found it hard to live. The patriots also condoned a third category of items, such as medicines and gunpowder, that were clear necessities and that had been omitted from the hurried framing of the original agreement. Mein, however, recognized none of these distinctions, portraying all violations of the agreement as equally serious.

Thirty-one importers, fifteen of whom were Bostonians, had an interest in the cargo aboard the *Pitt*. Four of the importing firms had been signers of the agreement: Timothy Newell had an interest in wrought iron and tin plate (items that, according to the merchants' committee, were generally understood as permitted); John Rowe, in twelve bales of blankets for the army; George Erving, in Irish linen and beer, which he had ordered before the agreement and had since delivered up to the disposition of the committee; and Daniel and William Hubbard, in a cargo of glass and hardware, which, they later explained, Stephen Ayrault of Newport had actually ordered. Only three of the importers had paid the unpopular new duties: the Hubbards (brothers of Massachusetts commissary and royal councillor Thomas Hubbard), and Sylvester Gardiner and Nathaniel Rogers, both staunch members of the government party. Only one Boston resident other than Erving received any yard goods, and that was William Scott, a stranger to the province who had opened up business just a little over a year before. The real offenders with the *Pitt's* cargo were merchants from neighboring towns, such as Thomas Russell of Charlestown and Joseph Rotch & Son, Nantucket rivals of John Hancock in the whale oil trade.²⁹

Mein's revelations about the *Pitt* contained few surprises for most merchants. Jonathan and John Amory wrote that "the Articles imported by the signers were either permitted or of little Consequence yet it has occasion'd the highest Resentment against him in

the Breasts of most people." To allay the suspicions of the general public, however, the merchants' committee printed an advertisement claiming that they had evidence to refute Mein but asking the public to suspend judgment until Mein finished publishing all the material he intended. According to the committee, Mein had magnified the issues raised by the cargo on the *Pitt* from "a Mole-Hill to a Mountain," but to eliminate further public misunderstanding, the group would print their own list of importers of cargoes on two of the spring vessels as soon as it could be prepared.³⁰

Mein's next issue, August 17, caused considerably more embarrassment. He printed the manifests of four more vessels, three of which Hancock owned, and all of which had been loaded after January 1, 1769, the date the agreement was to have taken effect. Nearly fifty Boston merchants had a share in the cargo of these vessels, including such prominent patriots as Jonathan Barrett & Sons, John Rowe, Jonathan & John Amory, James Pitts, and—most embarrassingly of all—John Hancock. Although the number of Boston offenders was far greater in these four vessels, once again the major violators were either from out of town or had already been proscribed by the committee (William Jackson, Richard Clarke & Sons, Samuel Fletcher, Theophilus Lillie, Joseph Green & Nicholas Boylston, and James & Robert Selkrig).³¹ Nevertheless, it was now apparent that the committee had clearly condoned the importation of Irish, German, and Russian textiles in preference to English textiles and had overlooked a number of small violations, particularly by people with reputations as ardent Whigs.

Among the most embarrassing of all the items in the four manifests were 100 pieces of British linen ascribed to John Hancock. William Palfrey, Hancock's clerk, was quick to deny the accusation that his master had violated the agreement. (Hancock himself was on a political trip to Philadelphia.) Palfrey swore before a justice of the peace that the offending linens were actually 100 yards of Russian duck, "which is frequently mentioned as British linen in the cockets." His deposition was followed in the pages of the *Boston Evening Post* by a statement from the merchants justifying or explaining away the importations of the six other signer-importers: the wrought iron imported by William Bowes, Hancock's in-law, was actually card wire (a permitted item); the cask of turnery (goods turned

on a lathe) arriving for Jonathan Barrett had been filled with wool-cards; the Amorys' goods were household furniture; the hats received by Thomas Handasyd Peck had been ordered previously; and the items received by Samuel Dashwood were merely "some trifles bought at vendue."³²

For a controversialist as adept as Mein, the merchants' hurried efforts at self-justification furnished ripe opportunities for satire. In his next issue, Mein reprinted verbatim Palfrey's defense of Hancock and followed it with an attested copy of the cocket, showing that the yard goods in question had been declared as British linen in London and entered as such in Boston. If it is true, said Mein, that Russian duck was frequently mentioned as British linen in the cockets, "Mr. Hancock's correspondents and the Merchants in London are really singularly obliged to Mr. William Palfrey for publishing to the world this ingenious discovery." The Londoners had fraudulently declared the duck as British linen, Mein implied, to obtain the bounty offered on exported linen to encourage its manufacture. He cautioned Palfrey to take care, for "some people might be apt to imagine that the Merchants in London frequently committed frauds: an imputation which [I] for [my] own part, would not even assert, far less swear to."³³

Concerning the other signer—importers with interests on the *Pitt*, Mein noted that since Timothy Newell had imported only tin plate and iron—which "it was generally understood . . . would not be considered as a breach of the agreement"—it was a pity that "other tin-men had not Mr. Newell's 'understanding.'" And Mein suggested that the miraculous transformation of Jonathan Barrett & Sons' cask of turnery into wool-cards had been effected only to defraud the king of his rightful duty on wool-cards.³⁴

Mein's satiric jibes continued to find their mark. Stung to rebut the Scottish printer's charges, the hatter Thomas Handasyd Peck placed a box on display in his shop window to prove that it was too small to have contained the number of hats that Mein alleged. Then one day at noontime, Peck had a servant put the box on his head, and the two paraded into the Exchange behind the town bellman. When some merchants claimed that they had "submitted their goods to the direction of the committee," Mein challenged their explanations as "jesuitical." What they should have said, he contended, was that they had never received the goods into their custody or that the committee

had taken possession of them. Mein had now discovered that certain favored or “trustworthy” merchants had been allowed to store their goods privately until the committee would permit them to be sold.³⁵

Unfortunately for the patriots, Mein’s charges began to gain currency outside Boston as well as within the town. On September 4, 1769, the *Newport Mercury* noted that John Hancock’s public character would improve “if he did not keep a number of vessels running to London and back, full freighted, getting rich by receiving freight on goods made contraband by the Colonies.” Although Hancock’s vessels *Lydia* and *Paoli*, whose manifests Mein had published, had left London long before the July 26 merchants’ meeting that banned such practices, the charges were damaging nonetheless. Hancock wrote to his London correspondents two days after the article appeared, charging them with the responsibility not to allow any freight aboard his vessels that did not conform with the Boston merchants’ agreement.³⁶

Not surprisingly, the Merchants and Traders condemned Mein, accusing him of attempting “to frustrate the good intentions of the signers . . . by insinuating to the Publick that the . . . agreement has not been generally complied with.” They denounced his publications as “false & intended to deceive the Publick.” Mein, who had always been convinced that the attack against him proceeded from the private malice of a few key patriots, responded by printing an account of an imaginary meeting of the “Well-Disposed” (a phrase he borrowed from their own notice printed after the August 11 meeting). The printer then recounted how the committee “Wheedled or frightened” some into their measures, while “others signed [the agreement] merely out of ostentation, never having dealt in the articles they agreed not to deal in, being in very different walks of life.” Those who opposed the committee did so, according to Mein, because they “solely depended on their trade for support [and] refused to starve themselves, while some of the principal of the ‘Well-Disposed’, even committeemen, infringed the agreement in the grossest manner.” “By [such] importing, the leaders of the Well-Disposed ‘largely carried on trade with superior advantages.’ “Was it your intention,” Mein queried, “to confine the whole Trade to yourselves and your friends that you might sell your refuse goods; and to import anew . . . on purpose to sell at a higher advance, than the usual profit?” To such questions, the patriot merchants themselves might have ready answers, but they were not nearly so effective in repairing the damage Mein had done them. Not only had the printer

shaken the faith of other patriots in the town outside the merchant elite, but rumors that the nonimportation agreement was being poorly kept in Boston soon began to filter out to the other major seaports.³⁷

The Arrival of Fall Goods, 1769

With the arrival of fall goods in October, the merchants' committee redoubled efforts to bring all Boston-area importers into conformity with the agreement. On October 2, a number of the friends of Thomas and Elisha Hutchinson "assured them that unless they delivered up the goods they had imported they were in immediate hazard to their persons as well as their property." A committee of the Merchants and Traders soon followed on the heels of this delegation. At first they demanded that the Hutchinsons sign the agreement, but the two young merchants adamantly refused. "After some treaty," however, they agreed to "deposit their goods in one of their own stores and deliver the key to a member of the Committee"; the Merchants and Traders judged this "a compliance with the spirit of the agreement." Even though Nathaniel Rogers, John Bernard, and James McMasters (who was particularly insolent, charging that the merchants "designed to make riot") rejected similar plans of accommodation, the Merchants and Traders met with a fair amount of success in their fall campaign. By early October, John Taylor, Samuel Fletcher, and James & Robert Selkrig, as well as the young Hutchinsons, had acceded.³⁸

The arrival of the first of the fall ships, Captain John Bryant's brigantine *Wolfe*, occasioned yet another meeting of the Merchants and Traders, on October 3. Owned by Joseph Green and Nicholas Boylston, two of the leading nonsubscribers, the *Wolfe* was heavily laden with a cargo of paper, tea, glass, and dry goods destined for twenty-five Boston firms. Upon Bryant's arrival, the merchants' committee first pressured Green and Boylston into storing their goods and turning over the key. Then the committee turned its attention to a young Englishman, Patrick Smith, who had arrived on board the *Wolfe* with goods worth £1,000 sterling and who intended to set up business in Boston. The committee forced Smith to return his goods but, taking pity on his situation, offered to pay the freight charges for his goods both going and coming. Two of the other importers aboard the *Wolfe*—Colburn Barrell, a Scottish importer and retailer, and Nathaniel Byfield Lyde, the son of a provincial officeholder—also

promised to reshipe their goods. "Everybody else who had goods were obliged to agree not to sell until they had leave given," except, Thomas Hutchinson noted, for his own two sons and Governor Bernard's son. Even the young Hutchinsons eventually sent word to the committee that they would surrender the eighteen chests of tea that had arrived aboard the *Wolfe*, an action Hutchinson justified on the grounds that his sons would have been mobbed had they not relented.³⁹ Warnings of mob violence had begun to take the place of public blacklisting and threatened consumer boycotts.

Hutchinson had no doubt why his sons had been singled out for special abuse. "It was the sellers of Dutch tea who made the greatest clamour," accused Hutchinson.

My Sons were the Butt [because] they have imported from England near 200 Chests of Tea since the agreement which they have been able to sell so low as to discourage illicit trade. This had enraged the smugglers who expected a great harvest from the agreement not to import goods. . . . Yesterday one of the principal sellers of Dutch tea was heard to say if 500 men would not do 1000 should and my brother and others were anxious for [my sons and] . . . persuaded them to submit.⁴⁰

The entrepreneurs of illicit trade with Holland had assumed a special place in the Hutchinson demonology ever since 1760–1762, when their involvement in the Barons affair and their attack on the vice-admiralty court won them the enmity of the chief justice. If Hutchinson needed more reason to hate these men, he needed only to recall that it was John Rowe and Solomon Davis who had instigated the destruction of his house in the second Stamp Act riot of August 26, 1765. Even members of his own Council frustrated Hutchinson's efforts to block what he saw as the illegal combinations of the Merchants and Traders. When Hutchinson sought to summon a meeting of the Council, he discovered that at least three of the members (John Erving, Royal Tyler, and James Pitts) were already attending the merchants' meeting instead. In despair, Hutchinson noted, "There never was less expectation of vigorous measures [being taken in England] than there is now."⁴¹

Without effective intervention from royal authorities, the patriot juggernaut proceeded. The patriot leadership summoned a town meeting on October 4, 1769, to endorse the merchants' proceedings of the previous day. First Sam Adams read a list of importers

(some said “a very partial list”) and proposed that their names be entered in the town minutes as “enemies of their country.” Then followed a speech denouncing the violators of nonimportation as guilty of treason. When a friend announced that some of the importers were now ready to come into the agreement, Adams brushed the consideration aside, saying it was now too late. The town meeting supported Adams and once again sided clearly with the patriot merchants—a pattern of behavior that had been consistent ever since the Barons affair.⁴²

Although a number of former importers had now acceded to the agreement, John Mein cast a skeptical eye over the proceedings of the merchants and the town meeting. In his issue of October 12, he printed a “Catechism for the Well-Disposed.” “Pray how have you managed your new recruits?” he queried. “Do you imagine that your new acquisitions have imbibed all your principles, have really consolidated with you, or will they seize the first opportunity to desert?” Mein also inquired about the terms under which the new recruits were enlisted. “It’s thought you have different encouragements suited to the disposition of your recruits,” he noted. “Are not some, after having largely supplied themselves, allowed to keep all the goods they imported, provided they come in?” Or had the patriots not prevailed with others “on account of the shortness of time until January, 1770 [when the agreement would expire]?” Mein also asked if goods formerly taken into custody by the committee were not given back when the new recruits joined the agreement. Was it not true that some delinquent signers were allowed to keep recently imported goods unopened in their stores? Were not other goods returned by the committee with the words, “You know we are never hard upon signers”? Considering the overall membership of the Merchants and Traders, the printer was even more cynical. How many of the subscribers had ever had anything to do with British goods? Or were they all “Tailors & shoemakers lately metamorphosed into Merchants,” and shouldn’t they thus be excluded from the meetings?⁴³

The Extended Nonimportation Plan, October 1769

Despite the stinging attacks from Mein, their Scottish gadfly, the patriot merchants pressed on with their plan to broaden the nonimportation plan. During the course of three days’ deliberation beginning on October 17, the Merchants and Traders voted to extend the agree-

ment until the repeal of all the Revenue Acts. Thus, they finally adopted the plan they first considered in midsummer, broadening the scope of their protest to include not only the Townshend duties but also the Revenue Acts of 1764 and 1766. Moreover, the merchants extended the agreement beyond the January 1, 1770, expiration date to remain in force indefinitely. Once again a subscription for the new agreement was set afoot, but this time the merchants' committee moved more cautiously by not allowing the proceedings of the meeting to be printed until they saw how well the subscription succeeded.⁴⁴

According to some sources, the merchants had good reason for caution, for the new subscription initially met with "very indifferent success." Mein claimed that only twenty or thirty merchants were present at the meeting that actually extended the agreement, and that "the first signer, a worthy deacon and a very warm supporter of the scheme," perhaps William Phillips or Jonathan Barrett, announced "that he was ashamed to put down his name, on account of the *small number* of his followers." Another observer commented that he could not "determine how far the People in general will come into it; several of the greater importers have absolutely refused, tho' Deacon Barrett, Mr. Erving, Rowe &c have." The patriot papers, however, appeared more optimistic; the *Boston Gazette* announced that "in less than five Minutes from the Opening of the Subscription near Twenty of the Principal Importers signed the same; and that it is probable it will be general, as the Subscription Rolls fill up very fast: few of the Merchants even hesitating."⁴⁵

The most judicious reporting of events came from the Amorys. Writing to apprise a friend in London of the new agreement, they noted that they themselves had not yet signed the agreement, "tho' a great Number of Hands are already to it, but [we] have assur'd the Committee that if it should become in our Opinion sufficiently general we shall sign it." They added, however, that they would be careful not to sign "if such openings are left as Mr. [William] Jackson &c to carry on an exclusive trade." "The influence of those who are against Importation is now greater," they claimed, "than you ever knew it; w^{ch} you may suppose from their having induced ev'ry Person who before stood out to come in except Mein & McMasters."⁴⁶

The few merchants who still had not signed the agreement by mid-October received rough treatment indeed at the hands of the patriots. One observer believed that "they were in real danger of their

Lives" and that "Their property was actually unsafe." Having been threatened by mob violence, Nathaniel Rogers, Thomas Hutchinson's nephew and ex-ward, applied early in the month to the lieutenant governor for protection. Although Hutchinson could give him no assurance of safety, the young merchant held out against the patriots for another week and a half, but after his house was twice smeared with "The Vilest filth of the Vilest Vault," he acquiesced.⁴⁷ Likewise, unrelenting persecution by partisans of nonimportation had driven John Bernard, the departed governor's son, to nervous collapse. When anything was said about the merchants, young Bernard "could not help breaking out against them, but upon the least intimation to be cautious . . . he would check and recover himself."⁴⁸ During the Barons affair and the Stamp Act riots, the kind of public pressure brought to bear on Rogers and the young Bernard would have been employed only against customs officers or the haughty Thomas Hutchinson himself. That the patriots found it necessary to resort to such rough tactics against fellow merchants indicates how deeply the nonimportation controversy had divided the Boston business community.

One of the chief concerns of the Merchants and Traders throughout October had been that "strangers" should not be free to import as long as native Bostonians were not allowed to do so. The issue came to a head when five Scottish shipmasters, who had been sent to oversee the construction of six ships at Charlestown published a notice requesting permission to open their goods for sale. The shipmasters cited the difficulties that had arisen because they were unable to sell the goods that their employers had intended should pay for the ships. If the town would not allow them to sell the stock they already had on hand, the captains would have to write their owners not to send any spring goods, and the shipbuilding would cease. The implication of the notice was clear: the merchants' committee would have to take the blame for any economic distress and unemployment that would ensue. Artisans involved in the shipbuilding trades supported the request of the Scottish sea captains by circulating a petition asking that certain goods intended to pay for shipbuilding be exempted from the agreement. The petition met with the ready signatures of over seventy artisans before John Ruddock, a staunchly patriot justice of the peace and politician, tore it up, admonishing the artisans that they would be "the ruin of their country."⁴⁹

Even though John Mein soon picked up the distress cries of

the tradesmen, the merchants' committee stood firm in denying the application of the Scottish ship captains. After all, they were applying precisely the same principle—denying special privileges to non-natives—as they had when they forced the young Englishman Patrick Smith to reship his goods. In this instance the merchants' committee felt justified in risking the wrath of the artisans in order to block any windfall profits from dropping into the hands of Scottish interlopers.⁵⁰

The tendency toward increased violence throughout the autumn warned of an impending crisis. Patriots found it more and more difficult to coerce compliance with the extended agreement, and Mein's disparaging attacks grew more and more shrill. Clearly, the printer would have to be silenced.

The "Catechism" of John Mein, October 1769

The *Boston Chronicle* for October 19 was as annoying as ever. "How many dispensations have been granted for Irish linen from England?" Mein wailed. "Have you ever waited upon any refractory Committeeman [John Rowe]?" Did you ever choose a Committeeman who was not a signer [Gilbert Deblois]?" All were telling criticisms, but Mein saved the most wounding question for last: "Do the Public begin to suspect that a certain scheme is principally calculated to crush all the young Merchants and Importers, that the trade may still remain in the hands of a *few grave* 'well-disposed' Dons who are believed to be *exceedingly well-stocked* with Goods?"⁵¹ This accusation struck a raw nerve among the patriots, particularly since Mein had already charged that wholesale merchants Jonathan Barrett and William Phillips, "men of great fortune & large supplies of goods on hand," were selling stock at inflated prices to retailers who had dutifully ceased importing. Mein and the other government party men hoped that the "growing scarcity of Goods & the Advanced price put upon old Stock" would soon open the eyes of those who felt "the want or the immoderate price of Goods."⁵²

As we have already seen, not only was there a certain amount of truth to the charge that a number of the leading supporters of non-importation were merchants who habitually carried large stocks of goods, but Mein is also correct in characterizing the posted importers as young men, new to the trade. In fact, with four or five exceptions,

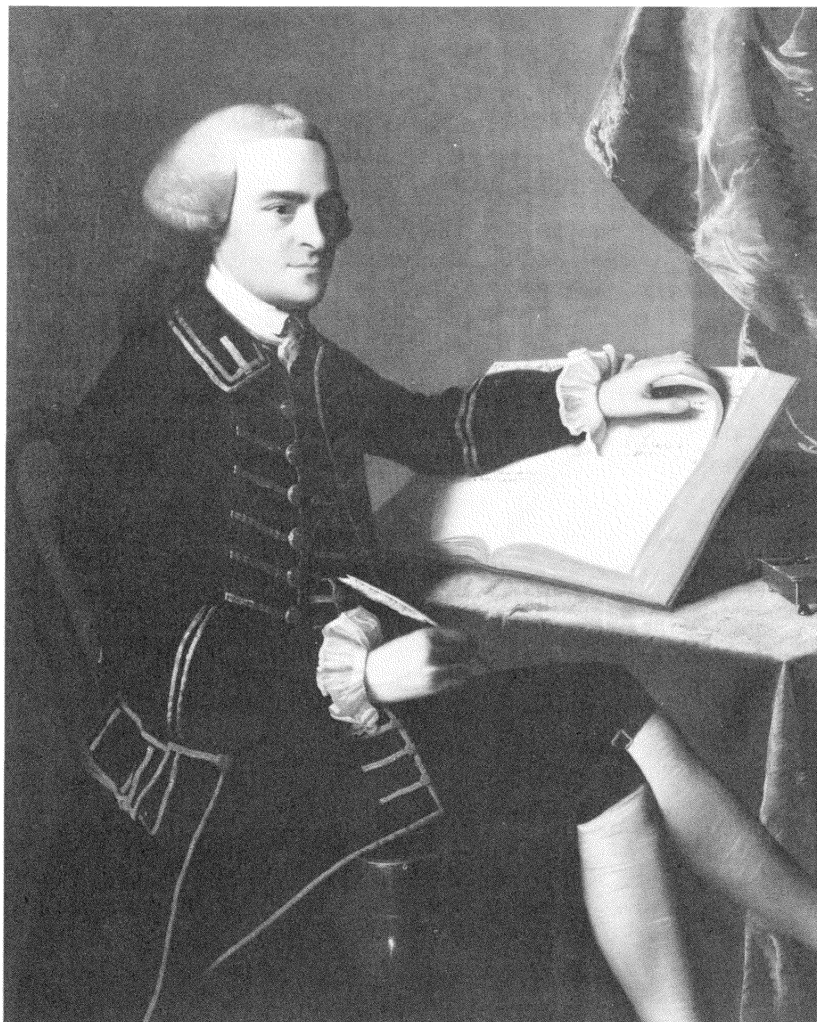
all the boycotted importers were either young men or Scots. For example, Thomas and Elisha Hutchinson, whom the patriot press called "the Children," were only twenty-nine and twenty-four years old, respectively. Their kinsman, Nathaniel Rogers, was an approximate contemporary. John Bernard, the governor's son, was probably in his twenties as well. At thirty-eight, William Jackson was older than the others, but he had been in business for himself only since 1763. Such merchants, however, were not the persons of no repute and little credit of whom John Hancock had complained at the start of the nonimportation movement; rather, they were young men who, through connections or fortune, were able to import goods on a scale that could threaten the security of the "grave, well-disposed dons" who ordered the trade.

Having struck home on the relative youth of the boycotted importers, Mein pursued his advantage by publishing in the next issue of the *Boston Chronicle* "Outlines of the characters of . . . the Well-Disposed." In these satirical sketches of the leading patriots, Mein overstepped the limits his enemies would bear. Although the names were imaginary, the characters were unmistakable to the political community in Boston. Mein passed off Thomas Cushing, the chairman of the merchants' committee and speaker of the House of Representatives as "Tommy Trifle, Esq." and Jonathan Barrett was dubbed "Transmutation of Woolcards" for his insistence that the cask of turnery he had imported was really wool-cards. John Hancock also came in for rough treatment as

Johnny Dupe, Esq., alias the Milch Cow . . . a good natured young man with long ears—a silly conceited grin on his countenance—a fool's cap on his head—a bandage tied over his eyes—richly dressed and surrounded with a crowd of people some of whom are stroaking his ears, others tickling his nose with straws, while the rest are employed in riffling his pockets.⁵³

Mein went on to attack Hancock for his suggestion in the town meeting that the tax assessments of all importers be arbitrarily raised until they gave in.⁵⁴

All the other leading figures of the patriot party were included in the "Outlines" as well: James Otis as Counsellor Muddlehead, William Molineux as William the Knave, and Sam Adams as Samuel the Publican, "noted for his Psalm singing" and "sanctified, Hypocritical appearance." Mein also pilloried William Phillips as Deacon



John Hancock, by John Singleton Copley. Courtesy of the Museum of Fine Arts, Boston; deposited by the City of Boston.

Clodpate, whom he believed guilty of the worst ingratitude, having turned his back against the government after war contracts had made him rich. Mein omitted two names in the "Outlines," printing instead only the requisite number of x's for each letter in the missing names. The first was John Rowe, whom the Scottish printer "Saved on Account of some late signs of Grace, tho a very rich Subject for truth and Satyre." (Rowe held the supply contract for the British regulars and had recently begun to dine prominently at the lieutenant governor's.) The other member of the patriot establishment whom Mein spared was the arch-smuggler John Erving, Jr., whose name Mein left blank out of regard for his brother-in-law, "tho [Erving] may be called the prompter of the Well-Disposed." (Erving's brother-in-law was Mein's patron, John Temple, the surveyor general of customs.)⁵⁵

To say as John Rowe did that Mein's publication had "Given Great Uneasiness" would be a serious understatement. On October 28, soon after the "Outlines" were printed, Mein was returning to his shop on King Street when, as the *Boston Gazette* phrased it, "some Gentlemen then upon [the Ex]Change who tho't themselves ill-treated in a late Publication of his, took Occasion to 'catechize' him." The affray began, according to Harbottle Dorr, when Mein encountered Captain Samuel Dashwood, who served on the committee inspecting all incoming cargoes and whose porcine looks had prompted Mein to lampoon him as "the Grunting Captain, an unclean Beast." Dashwood was soon joined by William Molineux, Edward Davis (another merchant), Captain Duncan Ingraham, and militia colonel Thomas Marshall, a tailor and leading radical. In the scuffle that ensued, Davis hit Mein with a stick, and Mein "drew a Pistol . . . and threatened to fire if they did not stand off." As the printer ran to take refuge in Ezekiel Price's insurance office, Thomas Marshall hit him with a shovel snatched from a nearby shop window, lacerating Mein's shoulder. Before escaping into the Main Guard of the British regulars, Mein turned and fired, allegedly wounding a soldier in the gathering crowd. Jonathan Mason, a selectman—and, according to Mein, "one of the very gravest Personages in town"—witnessed the entire proceeding, but since Mein had published some illegal importations to Mason's account, he may have been inclined to look the other way. Richard Dana, the patriot justice of the peace, issued a warrant for Mein's arrest, but the printer was nowhere to be found. The crowd

searching for him finally vented its anger by attacking his shop and tarring and feathering an alleged customs informant.⁵⁶

With Mein in hiding, opposition to the merchants' proceedings diminished so much that by November 13 the *Boston Gazette* was able to announce that all "but 10 or 12" had signed the new extended form of the nonimportation agreement, pledging not to import until all the Revenue Acts were repealed. Having at least coerced a fair amount of agreement within the town of Boston, the merchants' committee turned its attention to campaigning for the new, extended agreement in other towns. On November 10, 1769, the merchants' committee wrote to a similar group at Salem, insisting that the Revenue Acts of 1764 and 1766 also "ought to be comprehended in the agreement" since both acts were "made for the express purpose of raising a revenue in America" and therefore merited the same opposition as the Townshend duties. The Merchants and Traders also carried their campaign to New York and Philadelphia, where they met with considerably less success. Rather than join the extended agreement, the Philadelphia merchants preferred to send yet another conciliatory petition to Parliament. The New York merchants also declined, for they had already sent conditional orders to England for spring goods with the stipulation that the Townshend duties be repealed first.⁵⁷

The merchants received this disheartening news from the other ports in early December; consequently, the Merchants and Traders resolved at a meeting on December 4 "to rescind their former vote not to import until all [the Revenue Acts] were repealed, but to adhere stoutly to the other vote not to import until the late [Townshend] Act should be repealed." They still hoped that New York and Philadelphia would later join them in a separate action against the other Revenue Acts.⁵⁸

Lack of support from the other seaport towns had finally forced the Boston merchants to give up their most extreme demand: the repeal of all the recent Revenue Acts. The Bostonians themselves would have preferred not to accept the duties imposed on trade since the close of the Seven Years' War, or the late reordering of their commerce with southern Europe, the West Indies, and the Dutch republic. Their merchant colleagues elsewhere were not prepared to follow their leadership that far, however. Nonimportation

was for most of them too painful a policy to be tied to such large demands. They would make their orders contingent only on the complete repeal of the Townshend duties, a position that patriots would soon find difficult enough to enforce.

A number of important changes had occurred in Boston merchant politics in the two years since the first discussion of nonimportation in the fall of 1767. Where once there had been reasonable consensus, there was now discord. Although few merchants stood outside the agreement in 1769, the expiration date of the first agreement, January 1, 1770, was fast approaching. After January 1, it would become increasingly difficult for patriot leaders to maintain discipline among subscribers and nearly impossible to do so once the news of partial repeal of the Townsend duties arrived.

Too many of the lesser merchants had seen their interests sacrificed for the benefit of "well-disposed dons" at the head of the dry goods trade; no longer would they believe in the disinterested virtue of the patriot leadership. The burden of nonimportation had not fallen on all parties equally. Far from being hurt by a suspension of imports, merchants who were heavily stocked with goods found a rare opportunity to dispose of their goods at advantageous prices. Smugglers, too, discovered that profits could be enhanced through nonimportation. The people's thirst for manufactures drove them to Dutch imports when British goods became too costly or unavailable. Not surprisingly, therefore, smugglers and merchant princes of the dry goods trade became the two most readily identifiable elements of the patriot leadership during the nonimportation movement—a fact John Mein was quick to point out. Indeed, the Scottish printer's attacks proved to be some of the most damaging opposition the patriots faced, destroying Boston's reputation with other towns and shaking the confidence of lesser traders in the leadership of the merchants' committee.

A careful analysis of the cargo manifests printed by Mein (undertaken here for the first time) indicates that much of his dispute with the patriots was a matter of interpretation. Mein always judged according to the literal terms of the original agreement, whereas the patriots were quick to condone the importation of reasonable necessities and to overlook minor violations as long as importers consented to sign the agreement and mend their ways. The patriots never contested the general veracity of the documents Mein produced, but in-

stead merely asserted that individual items were not as described in the cockets. With the benefit of hindsight, Mein's interpretation of the agreement may now seem narrow, but his publications created a general impression of double-dealing among the patriot merchants, a notion difficult for Boston to shake.

Those who suffered most from nonimportation were young, newly established merchants, less able to endure a long suspension of imports of the highly profitable manufactured goods of England. Some were barely more than shopkeepers turned importers, thanks to the liberal terms of credit extended by British merchants; nonimportation thus seemed to them to be a vaguely concealed attempt to limit their rapidly growing numbers. A few, though still young, were better connected, with close ties to the provincial government and ample financial resources. When these men attempted to break through the nonimportation agreement in 1770, the full fury of patriot resentment would fall on them. Nonimportation had split the merchant community into two contending factions, in a way that no previous issue had done throughout the 1760s.

Because of this situation, the patriot vanguard found it far more difficult now than in the past to exercise its leadership over the entire body of merchants. To enforce their resolutions, they abandoned the BSETC as the chief decision-making body, choosing instead the Merchants and Traders, a group whose membership dipped into the ranks of petty traders and artisans whenever it was necessary to enforce the patriot will on the more refractory merchants. This trend would culminate in January 1770, when all decisions concerning trade and commerce would be made by the "Body," a group virtually indistinguishable from the town meeting, though less scrupulous concerning the voting rights of its members.

The Boston merchant community had changed irrevocably because of nonimportation. Its unanimity was lost. The tactics of fear and mass intimidation, which had once been reserved only for customs officers and haughty provincial officials, were now turned against fellow merchants. This unfortunate tendency would escalate sharply in early 1770 as patriots struggled to prevent the collapse of the nonimportation agreement.

4.

The Collapse of the Nonimportation Agreement at Boston, December 1769–October 1770



The refusal of New York and Philadelphia to endorse an extension of the nonimportation agreement marked the beginning of the collapse of the nonimportation plan in Boston. Although the Merchants and Traders had voted on October 17, 1769, to continue their suspension of imports beyond the original January 1, 1770, expiration date of the agreement, several reluctant subscribers refused to go along with the step and secretly embarked on plans to break the compact as soon as the new year began. Led by Thomas and Elisha Hutchinson, a number of discontented young merchants and shopkeepers removed their goods from storage in January and began to sell them clandestinely.

With the integrity of the entire nonimportation agreement threatened, patriot leaders resolved on harsh measures to bring the turbulent dissidents back into conformity with the rest of the merchant community. For the first time since the Stamp Act riots, patriot merchants resorted to overt crowd action. A new organization, the “Body of the Trade,” replaced the old association of Merchants and Traders as the chief deliberative body, and Bostonians once again

took to the streets to defend their threatened liberties. Prejudice against the factors of Scottish merchants grew more virulent, and the tide of violence against nonsubscribing merchants increased throughout the early months of the year, culminating in the bloody events of the Boston Massacre on March 5, 1770.

The arrival of news in April 1770 of the partial repeal of the Townshend duties doomed to failure even the most concerted efforts of the Boston patriots. Moderates within the mercantile community found nonimportation too costly a policy for it to be worthwhile to suspend all imports simply to oppose the remaining duty on tea alone. Therefore, fifty of the dissatisfied merchants, led by Jonathan and John Amory, met at the British Coffee House on May 1, 1770, to initiate a campaign to dissolve the agreement. They were aided in their strategy by the residual effect of John Mein's publications, which had seriously weakened the Boston patriots' credibility both within their own city and at other ports. (John Mein himself had not been seen in Boston since he was "catechized" the preceding October.) New York and Philadelphia eventually refused to prolong the suspension of imports, and unilateral action by Boston proved impossible. By October 1770 the agreement had collapsed.

Not only had the moderate merchants dealt a death blow to nonimportation, they were also successful in reasserting merchant control over commercial policy. The merchants themselves, rather than the Body of the Trade, would make all future decisions affecting commercial policy, or at least until the tea crisis in the fall of 1773. Nonimportation proved to be an important crossroads in determining revolutionary loyalties (few merchants changed sides during the remaining years before the Revolution), but it failed to resolve any of the problems that had been responsible for its inception. Boston was still plagued by the presence of too many importers and retailers, as well as the overly liberal credit policies of British merchants, which had created the unhealthy situation. The furor over nonimportation subsided, accomplishing little except the partial repeal of a few of Charles Townshend's most detested duties.

"Things Must Come to Some Crisis," January 1770

The nonimportation agreement began to collapse amid the uncertain calm of late December 1769. In reporting on events in Boston to Thomas Hollis, the Reverend Andrew Eliot neatly summarized the

situation. The first agreement obligated the merchants not to import until January 1, 1770; they renewed the agreement in October 1769 and promised not to reopen trade until all the Townshend duties had been repealed. "A number of merchants who came into the first agreement," reported Eliot, "refused to subscribe to the second—several of these latter have goods, imported since the agreement took place, and have resigned them to the care of the merchants who have stored them." He predicted that at the beginning of the new year, they would declare the agreement dissolved and put up their commodities for sale. "This will occasion warm debates and much altercation," Eliot said. "I know not what will be the event—but things must come to some crisis."¹

At the merchants' meeting in the Town House on December 28, the sense of impending crisis was intensified by increased concern over nonimportation's apparent lack of impact on the mother country. The *Boston Gazette* had done its best to deny the rumor, publishing an article on December 18 that chronicled the alleged distress caused by nonimportation in the manufacturing towns of England and advocated that unemployed British artisans be encouraged to immigrate to America in order to encourage domestic manufactures. The source of the *Gazette* article appears to have been a letter from former governor Thomas Pownall to the Reverend Dr. Samuel Cooper, a leading member of the patriot hierarchy. In his letter, Pownall mentioned reports of distress in Wolverhampton and Birmingham, England, and suggested a fund for encouraging the immigration of workers. He applauded reports from Cooper that both shopkeepers and artisans were now attending the merchants' meetings; he believed that the nonimportation movement would have better prospects of success as a result of this inclusion of all ranks of society. Lieutenant Governor Hutchinson blamed letters like Pownall's for reassuring the patriots. "The Merchants would never have persisted in their scheme," he wrote cautiously (using a vowelless cypher) to an unnamed correspondent in England, "if they had not been encouraged from your side of the water."²

Despite the colonists' credulity, Pownall's view of the economic impact of nonimportation was misleading. As the patriots themselves later realized, the decline in American demand was offset by a growing market for English woolens in Germany and by military contracts stemming from the Russo-Turkish War. Furthermore, whatever distress the manufacturing towns might feel was at least com-

pensated for by bountiful harvests in England, which kept the price of bread low for the British worker. Unlike the threat of nonimportation during the Stamp Act crisis in 1765, London merchants were in much less of a hurry to meet colonial demands this time around.³

The unsettling news that two principal merchant firms (Thomas & Elisha Hutchinson and Benjamin Greene & Son) had broken their word and removed their goods from storage triggered tumultuous meetings in January 1770. The Greenes had received a large order of dry goods aboard their ship the *Thomas* in early October, which the merchants' committee had immediately demanded should be stored. The Greenes, however, had refused to have their goods put into the common storeroom, where they might be confused with others; as a result, they were placed in a warehouse near the Greenes' shop and the committee kept the key. When, a little later, Benjamin Greene, Jr., applied for the key to sell a cask of nails to "a person in great need," the committee refused. The Greenes then asked for the key to take out beer that was in danger of freezing. This time the committee complied and let the Greenes keep the key so that they could store another shipment of recently arrived goods. When representatives of the committee came to take account of the goods, the Greenes were so busy with carpenters repairing their store that they asked to postpone the inventory. Meanwhile the committee received information that the Greenes had sold a great quantity of newly arrived goods, packed in fish hogsheads, to Colonel John Chandler of Worcester. When confronted by the committee, the Greenes acknowledged their actions, adding that they hoped no harm was done since the goods were sold in such a "private manner." Furthermore, they insisted that they had agreed to store their goods only until January 1, 1770, and not until a general importation took place. William Whitwell, the only committee member who had spoken specifically with the Greenes, later admitted that he could not recall any particular conversations specifying how long the goods would be stored.⁴

Assembled in the Representatives' Hall of the Town House on December 28, the Merchants and Traders listened in disbelief to the story of the Greenes' duplicity and straightaway resolved that they should be held up to "public neglect." The Greenes' action, however, had prompted several other impatient importers to follow their example. The committee had allowed John Taylor, who had ac-

quiesced to the agreement only under duress in early October, to keep goods in his own store as long as he surrendered the key. When the committee accused him of entering his storeroom with a false key and disposing of some of the goods, he replied, "You see, Gentlemen, how it is, and I always designed to do so." Likewise, Theophilus Lillie, who had also kept goods in his own store, had begun selling them clandestinely. When the committee called to inventory his goods, Lillie initially refused to let them in. According to Lillie, "Captain Dashwood was in a great rage, challenging me to come out of my house and he would break my neck, my bones, and the like." At last Lillie agreed to allow his friend Samuel Fletcher to show them the goods, and a considerable number were found missing. Cloaking their actions in outraged virtue, Taylor and Lillie announced in the *Massachusetts Gazette* on January 11 that they did not regard themselves as bound by agreements they had made under threats of intimidation. "I had rather be a slave under one master," Lillie claimed, "for if I know who he is, I may perhaps be able to please him, than a slave to an hundred or more who I don't know where to find or what they will expect of me."⁵

The expiration on January 1 of the original nonimportation agreement thus set the stage for a confrontation between patriots who favored holding out until all the Revenue Acts were repealed and less committed merchants who were anxious to reopen trade once more. Spurred on by the actions of Thomas and Elisha Hutchinson, a variety of traders openly challenged the merchant committee's authority to dictate how they might dispose of their own property. Unless such defiance were met head on, the entire agreement would stand in danger of imminent collapse.

The Body of the Trade

To stem the rising tide of defections, the merchants' committee called a public meeting for January 17 to consider the case of the three or four merchants who had removed goods from storage or opened them for sale. According to the *Boston Gazette*, merchants and "all others who were concerned in or connected with trade" were invited to meet in Faneuil Hall. Since "the Town itself subsists by trade," reasoned the writers of the *Gazette*, "every inhabitant may be considered as connected with it . . . especially as the rights and liber-

ties of the present and future generations so much depend on the Merchants being properly supported in their generous, self-denying and patriotic agreement.”⁶ The metamorphosis was now complete: the Boston merchants, who had begun their deliberations in 1760 as the narrowly based Boston Society for Encouraging Trade and Commerce and had since become the loose association of Merchants and Traders, were now virtually indistinguishable from the town meeting. “The Body,” as this new organization came to be called, was regularly attended by 1,000 to 1,400 people and would now govern all decisions concerning trade. (Even the largest town meetings rarely attracted such numbers. Therefore, those attending must have included most adult males, whether they were qualified voters or not.) The merchants, as some of them soon found, having raised the devil by inviting popular participation in their deliberations, would encounter much difficulty in setting him back to rest.

The Body quickly chose William Phillips as its moderator and appointed a committee to summon the various defectors to attend. (One of only twenty-two carriage owners in the town of Boston, Phillips was typical of the rich dry goods merchants who had joined the patriot cause at the adoption of the nonimportation agreement.) Phillips and his committee soon returned, reporting that some had refused to come and others were not at home. Someone then moved that the whole Body call on Thomas and Elisha Hutchinson, but at this point two gentlemen (Captain Nathaniel Greenwood and Thomas Fletcher) intervened, assuring the group that the Hutchinsons, if required, would surrender the tea they had removed from their warehouse. The Body then voted unanimously that these two men and the committee of inspection should visit the Hutchinsons in the hope of working out a satisfactory agreement. Meanwhile, the Body voted that it should go *en masse* to William Jackson’s and appointed five men, including William Molineux, to speak with Jackson. Jackson refused to let them into his shop, however, and the affronted Molineux led his followers away, publicly declaiming, “It is beneath the dignity of this Committee to be parlied with in the Street.”⁷

Arrangements with the Hutchinsons were more complex, revolving around a misunderstanding that had occurred when the two brothers had acceded to the agreement in early October. According to the committee’s version of the discussion at that time, the Hutchinsons agreed to an earlier proposal to store their goods until

January 1, 1770, but the committee informed them that such an arrangement was unacceptable: they would be expected to store their goods until a general importation took place. The Hutchinsons objected that a general importation might not occur for two or three more years. Some further discussion followed, but the members of the committee (Phillips, Molineux, William Dennie, Edward Payne, and Arnold Welles) later swore that they repeated the formula of their agreement with the Hutchinsons before leaving: the Hutchinsons would be allowed to keep their goods in their own store, as long as they gave the key to the committee and agreed not to remove anything until a general importation might take place in consequence of orders sent after January 1, 1770.⁸

When visited by the delegation from the Body, the Hutchinsons yielded to the threat of superior force and agreed to re-store the goods until a general importation was approved. When the Body sent carts to pick up the tea, however, Thomas and Elisha Hutchinson refused to surrender their goods, saying that they had understood the goods would be subject to inspection only and had not realized they would be expected to return them to the public store. When this news reached the Body, a storm of controversy broke out. While the group debated whether they should call on the Hutchinsons or not, Josiah Quincy, Jr., a young lawyer and the son-in-law of William Phillips, said it would be treason to go to the lieutenant governor's house in a body and warned that the Hutchinsons might be laying a trap to ensnare them. Molineux spoke next, comparing the non-subscribers to lost sheep that must be brought back into the fold before others are led astray. Next on the rostrum, Sam Adams defended the legality of the undertaking, and town clerk William Cooper declaimed that New England would lose its reputation as the vanguard of liberty if they faltered now. (Perhaps he had in mind how severely John Mein had already damaged the Boston patriots' reputation elsewhere.) Quincy remained adamant, however, about the legal dangers and appealed to Richard Dana and James Otis, two of the other lawyers present, for their opinions. Dana refused to answer, and Otis, in one of his less lucid moments, gave a response no one could understand. Molineux was willing to concede the point of law, but insisted that their marching in a body was the only means to obtain redress. At this point, the firebrand Dr. Thomas Young seconded Molineux, saying that those who thwarted general measures ought to be de-

prived of their existence and that the people ought to take the government into their own hands anyway. Quincy had frightened so many people that it was difficult to find enough persons willing to serve on the committee that would lead the group to the lieutenant governor's. John Hancock and Henderson Inches both declined. Phillips and Otis initially declined but later accepted. Affronted by such timidity, Molineux vowed he would leave the movement. As he stormed toward the door, cries broke out, "Stop Mr. Molineux, stop Mr. Molineux . . . If Mr. Molineux leaves us we are forever undone, this day is the last dawn of liberty we shall ever see." Friends finally prevailed on him to return, and at length he, Phillips, Otis, Sam Adams, and Samuel Austin were appointed to serve as the committee leading the Body to the lieutenant governor's.⁹

The reluctance of key patriots to force the situation to a possibly violent confrontation with the lieutenant governor was symptomatic of a growing rift within the patriot leadership. One Tory source reported, and Thomas Hutchinson confirmed, that at this time "it was publicly known that Cushing & Payne had deserted them and that Hancock & Barrett were become cool in the cause." Thus, four of the original members of the merchants' committee were now disinclined to push the issue. A fifth member of the committee, John Rowe, could now be observed dining at the lieutenant governor's in the company of such prominent conservatives as Foster Hutchinson and Nicholas Boylston.¹⁰ Furthermore, Hutchinson had put William Phillips on notice that he would be responsible for whatever occurred while he was leader of the Body. "I let the Moderator who is rich, know in private but in plainest terms," said Hutchinson, "my sense of their proceedings." If any acts of violence were committed by the mob that mixed with the patriot merchants "as in Town Meetings," Phillips "and the other men of property would answer for it with their Lives and Estates. . . . The Law would sooner or later again have its course."¹¹ Among the leaders of the merchants, Molineux was left more or less alone in his advocacy of violent measures. Yet because of support from Adams, Cooper, and other members of the town hierarchy, as well as the vocal backing of the nonmercantile elements of the Body, he was able to carry the day at the January 18 meeting.

At two o'clock in the afternoon of January 18, the recently chosen committee called at Lieutenant Governor Hutchinson's, fol-

lowed by a crowd of over a thousand townspeople. Hutchinson appeared at the window of his house, reminding them that he was the personal representative of the king and commanded them to disperse. His sons announced that they had nothing to say to the committee, and Hutchinson, casting his eye on Otis, remarked that surely so distinguished a lawyer must know that such proceedings were illegal. The lieutenant governor also observed that he had within his eye six or seven people who were accessories to the destruction of his house in 1765. The confrontation ended in a standoff; the Hutchinsons refused to make concessions under such circumstances, and the patriot leadership declined to press further for fear of violence. Having failed to achieve its purpose, the Body then visited six other merchant firms: William Jackson, Nathaniel Cary, Benjamin Greene & Sons, Theophilus Lillie, John Taylor, and Nathaniel Rogers.¹²

On January 19, the committee reported back to the Body that of the six merchants visited, only one had agreed to yield his goods to the committee. (A more defiant importer told the committee that "he had nothing left but his life, which he would deliver up if they pleased.") The discouraging news was softened, however, by the moderator's startling announcement that Thomas and Elisha Hutchinson had agreed to comply and that "he would be responsible for the same." Having received word that Phillips desired to see him, the lieutenant governor had sent for him that morning. Hutchinson reviewed with Phillips the minutes of the agreement his sons had made with the committee and conceded that he would make no further objection to his sons' turning over their goods. In rationalizing his action, Hutchinson later claimed that he would be better able to support the other importers in his office as lieutenant governor once his sons were no longer involved. Since "the people were astonished at the lieutenant governor treating, let alone complying, with the Body," the group immediately voted that the moderator's proposal satisfied them and requested that Phillips inventory the unsold tea remaining at the Hutchinsons'.¹³

Tensions continued high during the next three days. A fire broke out at William Jackson's one evening, amid charges and counter-charges of arson; some even alleged that Jackson himself had set it in the hope of discrediting the patriot cause. On January 20, two more Scottish ship captains departed for Newburyport. They had been charged by their employers to build four vessels in Boston of 230 tons

each, but having been refused permission to sell the goods designed to pay for the vessels, they were moving their business elsewhere.¹⁴

The Body met again on January 23. As the moderator was reading a letter from a Philadelphia merchant, the sheriff arrived with a message from the lieutenant governor, denouncing the assembly as unlawful and ordering everyone to disperse. The group sent the sheriff back with a letter in Hancock's handwriting, maintaining their legal right of assembly and defying the lieutenant governor's orders. During the rest of the meeting, the Body voted that importers William Jackson, Theophilus Lillie, John Taylor, and Nathaniel Rogers should be held up for public neglect and commercial sanctions.¹⁵ Concerning John Bernard, James and Patrick McMasters, Ame and Elizabeth Cummings, and John Mein, "most of whom being strangers in this Country," the Body resolved

That they have in the most insolent Manner too long affronted this people and [attempted] to undermine the Liberties of this Country to which they owe their *little* Importance; and that they deserve to be driven into that Obscurity, from which they originated, and to the Hole of the Pit from whence they were digged.¹⁶

Having now publicly singled out the remaining importers, the patriot merchants were willing to rest content while the obstinate holdouts tasted the people's enmity.¹⁷

Dissension during the January meetings over whether to employ violent methods to force compliance with the agreement had laid bare a serious rift within the patriot leadership. Leading patriot merchants such as Hancock, Rowe, and Phillips began to question whether continuing the agreement was worth risking their fortunes. Only Thomas Hutchinson's unanticipated capitulation to patriot demands saved the movement from splintering apart.

Violence Breaks Out: February–April 1770

Boston enjoyed a slight respite during late January. Except for Molineux and "some others who are restless," Thomas Hutchinson noted, "there seems to be no disposition to a general muster of the people again." According to another source, "the Committee of In-

spection Stopt their Visitations, and seem'd to have given the matter Intirely up." Then, on February 8, there occurred the first of a series of popular demonstrations on three successive market days, which initiated an increasing trend toward violence in late February and early March—a trend that would culminate in the Boston Massacre.¹⁸

On February 8, the wooden outline of a hand appeared hanging on the town pump. The hand, painted with the word "importer," pointed directly at William Jackson's store. While Molineux and a considerable number of other merchants stood by, boys insulted and pelted people going in and out of Jackson's shop. Before market day the next week, most of the remaining importers (Lillie, Taylor, Rogers, John Bernard, the McMasters brothers, and the Cummings sisters) found their windows broken and their signs defaced. Effigies of the importers began to appear, as well as those of the customs commissioners and five of their "understrappers." On February 22, outright violence occurred. According to Thomas Hutchinson, a crowd of "many hundreds" collected before the shop of Theophilus Lillie, "a very inoffensive man except in this affair of Importation." Members of the crowd were busily fixing a carved head upon a long pole stuck in the ground before Lillie's doorway, when the ubiquitous Ebenezer Richardson, "whose name," Hutchinson observed to Bernard, "you must remember as an Informer," appeared. Richardson, who lived in the neighborhood, expressed "some dissatisfaction" about the effigy. When he attempted to knock it down by driving a cart against the pole, the people attacked him, driving him back into his house. Then, depending on which source one chooses to believe, either the crowd attempted to break into the house or Richardson fired gratuitously into the crowd, killing eleven-year-old Christopher Sneider. Only Molineux's intervention saved the informant from an immediate lynching. Sneider's funeral became the occasion for the largest public demonstration of its kind yet seen in New England, and the *Boston Gazette* made political hay of the tragedy by linking the customs commissioners in a conspiracy with the importers via Richardson.¹⁹

Despite young Sneider's death, the weekly demonstrations continued on March 1 at William Jackson's. On March 2, at Samuel Gray's ropewalk, a scuffle broke out between soldiers looking for extra work and laborers who felt threatened economically by the large surplus work force of British regulars. On March 3, a second fight

occurred at Gray's when more regulars returned to avenge two comrades hurt in the previous day's tussle. Two days later, a group of boys pelted the sentry at the customs house with snow and ice. This affray culminated that night in the Boston Massacre. Ropemaker Samuel Gray was among the five killed, and Edward Payne, the prominent Whig and former member of the merchants' committee, was wounded with a bullet through his arm as he stood before his shop door watching the melee.²⁰ Pauline Maier has linked the rising tide of violence in Boston during February and March 1770 to patriot disillusionment with parliamentary radical John Wilkes's lack of success in England,²¹ but we hardly need to go so far afield to explain the violent outbursts. The passing of the original expiration date of the nonimportation agreement and the prospect of the imminent repeal of the majority of the Townshend duties necessitated mob coercion to keep reluctant subscribers in line with the extended agreement. When the patriot leadership had enlarged the scope of its grievances in August 1769 to include all the Revenue Acts, they had advanced to a point where a significant minority of merchants were not prepared to follow. Opposition grew during the ensuing months, and the Bostonians' grand design to establish unrestricted trade in America eventually deteriorated.

The arrival on April 17 of a number of London vessels with spring goods provided the immediate occasion for the next test of power between the patriot leadership and the growing minority of discontented merchants. The patriots routinely called a meeting of "the Trade" on April 19. There they urged the continuation of nonimportation for another year, and committees scurried about during the next two days calling on importers with goods in the recently arrived vessels. In most cases the committees demanded that the importers return the new goods to England. They based this novel demand on the precedent established the previous October, when the merchants' committee had successfully pressured the young Englishman Patrick Smith to return £1,000 worth of supplies. At this meeting, Hancock, in an effort to make amends for the past delinquencies of his shipmasters, offered to send one or more of his vessels back with the returned goods free of any charge for freight. Thomas Pownall, in a letter, had apparently encouraged the patriots to follow the procedure established in the Patrick Smith case, by writing to Samuel Cooper that £10,000 worth of goods sent back to

England was worth £100,000 of goods stored in Boston because it so dramatically brought home to the London merchants the reality of the nonimportation agreement.²²

Although "several of the . . . Importers begd with Tears [that] they might be allowed to House their Goods and [promised] they would give security not to sell any," the patriots remained adamant that the goods be returned. The pressure this time fell particularly on Scottish merchants, whom the patriots' correspondents in England had identified as the largest shippers of goods to Boston in 1769. The mob's opprobrium descended on James McMasters for his efforts to sell goods in nearby Portsmouth, New Hampshire, and a high-ranking committee of William Phillips, Henderson Inches, Samuel Dashwood, Samuel Partridge, William Whitwell, and John Bradford called on Robert Selkrig to convince him of the error of his importing ways. When Selkrig "absolutely refused, they threatened to advertise him and ruin his business," and when the testy Scot retorted that "he did not care a farthing for their advertising," Henderson Inches reminded him that both his life and property would be in danger. Yet another importer was warned by a carpenter leading a committee of tradesmen that "there were 1000 men waiting for his Answer" and that "if he refused there was no saying what the consequence might be."²³ Later Selkrig went so far as to offer to build two ships in Boston if he might sell his goods, but the Body stoutly rejected the proposal.

Despite such pressure, the patriots were plagued by high-level defections. Gilbert Deblois, a former member of the merchants' committee and one of Boston's leading importers, refused to return his goods after being "abused in the grossest manner." The reason for singling out Deblois, according to one observer, was the general belief that "should he give up the other Importers might soon be brought to follow his example." John Rowe, whose enthusiasm for the cause had been waning for over a year, now privately pronounced his disapproval of the merchants' proceedings, judging them "too severe." The rift within the patriot establishment, first revealed in the January showdown between Molineux and the other leading committeemen, continued to widen throughout April.²⁴

Ever the skillful politician, Thomas Hutchinson moved quickly to exploit this advantage. When the patriots in the House turned out conservatives Thomas Hubbard and Ezekiel Goldthwait

from their respective offices of commissary general and truckmaster, Hutchinson made a strong show of gubernatorial power by negating the House's choice of Thomas Cushing as commissary and John Hancock as speaker. At the same time, Hutchinson also vetoed an act of the General Court allowing William Molineux to take over the faltering town linen manufactory. In weighing his decision, Hutchinson calculated the risk of further antagonizing leading patriots such as Hancock and Molineux against the benefits to be gained by encouraging disheartened Tories in the town. To Hutchinson, the time appeared ripe to revivify the government party, especially after the arrival in Boston on April 24 of the news of the partial repeal of the Townshend duties.²⁵

Hutchinson also seized this opportunity to initiate an effort to promote opposition to patriot dominance among conservative merchants. On April 28, he reported, "I made an attempt today to prevail upon a Merchant of the first Estate and character [probably Nicholas Boylston] to induce him to promote an Association," who replied, "until Parliament made provision for the punishment of Confederacies all would be ineffectual and Associates would be exposed to Popular rage."²⁶ (Although Boylston was not nearly so rich as Hancock or Phillips and the other leading patriots, he was, in John Adams's eyes, a wealthy man. After a dinner party at Boylston's house, the young lawyer exclaimed that it was "the most magnificent of any Thing I have ever seen. . . . A seat it is for a noble Man, a Prince.") In despair, Hutchinson complained to Commodore Thomas Hood that "the Town is Losing all its Trade, only for want of Spirit in the Merchants who disapprove of their measures. I have Repeatedly pressed it upon them to unite and make a stand but to no purpose."²⁷

Late winter and early spring 1770 witnessed an increasing tide of violence as the patriots sought ever more zealously to enforce compliance with the agreement. Whereas formerly the patriots had demanded only that importers store their goods until trade reopened, now violators were required to send whatever they received back to England. Despite the violence and these increased demands, Hutchinson was still unable to find disgruntled merchants willing to oppose the sway of the patriot committee. His efforts, however, would soon bear fruit.



Nicholas Boylston, by John Singleton Copley. Courtesy of Harvard University Portrait Collection.

The Moderates Defect: May 1770

Meetings of the "Body of the Trade" continued on April 28, 29, and 30. According to one Tory observer, "they served no purpose but to inspirit the lower sort." On May 1, however, the conservative opponents of nonimportation made their first abortive effort to band together to modify the agreement. The same government party source described the event as "a meeting of about fifty of the *real Merchants*" at the British Coffee House "in order to consult what measures were to be taken with the trade, which they said was now got intirely under the direction of the Mob." The "real Merchants" considered a proposal "that the fall trade should be open'd as the town could no longer bear under the distresses which the non-Importation plan has already brought upon it." Then "a message was sent to this meeting by some of the Faneuil Hall Merchts desiring *them* to disperse immediately" since the renegade merchant group had not "the least right . . . to take any steps but by joint advice and consent of the whole." Thomas Hutchinson described the breakup of the British Coffee House meeting in more detail. Dr. Thomas Young was apparently the emissary of the "Faneuil Hall merchants," and when he arrived at the British Coffee House, someone asked him if he were a merchant. Young replied that "he was one that the Merchants had called in to their assistance and he would not leave them." Young also intimated that handbills were already being printed at Edes & Gill's to call a meeting of the Body to oppose them.²⁸ Despite the disappointing outcome of this first meeting, the opponents of nonimportation had begun a campaign that would eventually lead to the dissolution of the agreement.

Throughout mid-May, both sides fiercely contested whether to reship the recently arrived spring goods. As Hancock saw it, the orders for spring goods had arrived in England during the early winter when Parliament was considering the issue of repeal; this was precisely what the patriots had wanted most to avoid, and therefore the recent importers were "more criminal than the old offenders." At the same time, Hancock also lectured his principal London correspondent, George Hayley, scolding "that almost the Whole of the goods that have arrived have been shipped by you." Hayley, as the brother-in-law of John Wilkes and the business correspondent of leading patriots throughout the colonies, should have done better. In fact, Hancock reported, "the Trade were determined to pass some

Resolve w^{ch} I was apprehensive would operate to your Disadvantage." He, however, "was Influential in abating the Resentment," by offering yet another of his ships to return the goods to England. Hancock clearly intimated that without better behavior from Hayley in the future, he might close out his own extensive account with him.²⁹

Government party adherents hoped that the patriots would relinquish their demand for the reshipment of goods. One member predicted, "Should Adams and the other leaders of the faction persevere in this measure, they will certainly give offense to the major part of the principal Merchants," and he doubted whether the patriots "will chuse to run the risque notwithstanding all their blustering."³⁰ The patriots only intensified the pressure, however; importers "who seemed determined to stand out could not [even] find a Carman in the town who would carry their Goods from the key where they were landed to the Warehouses." Hutchinson also failed in an effort to persuade any of the importers to bring an action against the committee for coercing them to reship their goods, and by May 18 the lieutenant governor was forced to acknowledge that all his efforts had come to naught. Over £15,000 worth of goods were returned to England aboard Hancock's *Boston Packet*.³¹

On May 23 the insurgent merchants made yet another attempt to modify the agreement. Having failed earlier in the month to persuade the Bostonians to begin to import all goods unilaterally except tea, they now proposed that Boston do so if Philadelphia and New York also complied. The records of this particular meeting are intriguing but scarce. Several sources agree that between forty and fifty merchants attended; according to Samuel Salisbury, a Worcester merchant temporarily in Boston, a "considerable part" of them were "Scotchmen." Salisbury, who was hostile to the events that transpired at the meeting, claimed that it had been called "through [Jonathan and John] Amory & that Party's influence." As far as the other merchants who attended, "only one of the Greens" is mentioned—probably Francis—although we do know that a number of "young merchants" attending the meeting signed a subscription in favor of the proposal. Thus, it appears that representatives of each of the groups that had been victimized in some way by nonimportation were present at the meeting: Scottish merchants and factors; young, newly established merchants; and certain senior merchants, such as the Amorys, who had less to fear from the growing number of young merchants.³²

The morning meeting at the British Coffee House provoked

a quick response from the patriot hierarchy; "Molineux pronounced these Merchants Rebels and Usurpers and the bells were set aringing in the afternoon for a general Meeting of Tom Dick and Harry." At the afternoon meeting, the Body rejected the proposal to reopen trade and proclaimed its continued adherence to the October agreement that demanded the full repeal of all the Townshend duties. When "one of the Greens" publicly objected that "it was unreasonable that the Merchants should be restrained from dissolving an agreement they had made among themselves by the people who were then assembled most of whom had no concern in trade nor any property," he was denounced by John Ruddock (a staunch patriot but no merchant). According to an informant of Hutchinson's,

[Ruddock] was so angry that he burst into crying and said his Indignation was raised to hear a young man offer such an Affront to that body who had been called in by the Merchants to their aid and having made use of them would willingly throw them off but they were mistaken.³³

After Ruddock sat down, "Molineux harangued the populace," frightening "some of the young Merchants to such a degree that they desired leave to withdraw their names from a paper which they had signed declaring they desired a general Importation." Hutchinson felt that if prominent conservatives Joseph Green and Nicholas Boylston had joined the forty or fifty young merchants who met at the British Coffee House and the thirty others whom he estimated supported them, "the point would have carried," but Boylston told the rest that he and Green "would not render themselves obnoxious when they had no assurance of protection." "They are afraid of their fine houses," Hutchinson surmised.³⁴

The patriots had good reason for their desperate opposition to the fifty dissenting merchants. Word had already reached Boston that the Philadelphia merchants were ready to rescind the agreement, and Boston radicals needed to respond quickly with a counterproposal if they wanted to keep the agreement intact for another year. Fortunately, however, New York at that time seemed to be holding fast. Therefore, the Body reaffirmed its commitment not to import until the duty on tea was repealed, although they enlarged significantly the list of items that might be legitimately imported. The new list included linen, baize, oznabrigs, and duck (all the dry goods

that had generated the most controversy in the patriots' squabble with Mein).³⁵ The Boston patriots received unexpected support when news arrived that the Philadelphia artisans had held a mass demonstration on May 23 condemning Rhode Island (a colony that had already abandoned nonimportation) and had urged their merchants not to defect. The point of the demonstration was not lost on the Philadelphia business community, which voted less than two weeks later not to alter the agreement.

Not surprisingly, with all the talk of an end to the agreement in the air, the number of individual violators at Boston began to rise again in June. After the June 7 meeting, the merchants' committee posted a list of eleven importers, a larger number of defectors than at any time since the fall of 1769. The patriots were particularly vigorous in pursuing certain old enemies. When Nathaniel Rogers left Boston for a business trip to New York in May 1770, he was met there by a contingent of the New York Sons of Liberty, who carried his effigy through the streets and warned him to leave the city immediately. When Rogers fled New York for the obscurity of Shelter Island, he found his effigy displayed there, too. When he returned to Boston and found his name again published throughout the town as an enemy to the people, he begged Molineux "most pitifully" that he might be restored to favor, but the merchants' meeting rejected his petition, arguing that he ought never be forgiven because of misrepresentations he had made to the ministry when he was seeking the post of colony secretary. (Rogers's unhappy story ended later that summer, when he collapsed from a stroke while swearing out a warrant against some Liberty boys who had broken the windows of his house.)³⁶

At the same time, according to one government party source, the patriots also settled on a concerted plan "to banish all Scotchmen" from Boston. They began by hounding Patrick McMasters and James Selkrig, two of the Scottish merchants who had imported the most goods. On June 19, McMasters was carted with tar and feathers to King Street, where he fainted. When allowed into a nearby gentleman's house to recover, he vowed to leave town if he might be spared the tarring and feathering. The patriots accepted the promise and carted McMasters directly to the Roxbury town line. In justifying the town's treatment of the Scot, Sam Adams coolly replied that all citizens everywhere were bound to act by the common will or go

elsewhere and that in some rare cases “the will and pleasure of society” was not “declared in laws” but imposed directly. James Selkrig later testified that on June 19 he too was attacked by an angry mob (at the town dock) and was ordered to leave town within forty-eight hours. Pleading that he had acted in conformity with every demand the Trade had made, Selkrig asked how on this occasion he had offended his attackers. He reported that they could make no suitable reply; instead, they claimed that “no Scotch man could Tell the Truth.” Despairing that he was “the most unhappy man [that] Ever was borne,” Selkrig petitioned the selectmen for their protection for a few days while he brought his business affairs to an end and arranged for the funeral of his recently deceased daughter. Thus, two major Scottish merchants, who had so long escaped the sting of patriot enmity, were brought low.³⁷

Late June also marked the patriots’ final triumph over their most redoubtable Scottish enemy, John Mein. Although Mein had been in hiding since October 1769, the *Boston Chronicle* had continued to appear. But the paper tottered on financial collapse through lack of advertising. During the winter of 1769–1770, John Hancock obtained a power of attorney from Thomas Longman, one of Mein’s chief London creditors, and attempted to seize Mein’s assets in order to settle his debts. Hancock’s correspondence with Longman suggests that Hancock may have refused several offers of settlement from Mein’s friends in order to silence the cantankerous Scot. At last Hancock got his way, and on June 25, 1770, the *Boston Chronicle* ceased publication.³⁸ The collapse of Mein’s paper left patriot publicists almost without opposition, for it had always been Mein who provided the most consistent and telling critique of the patriot program.

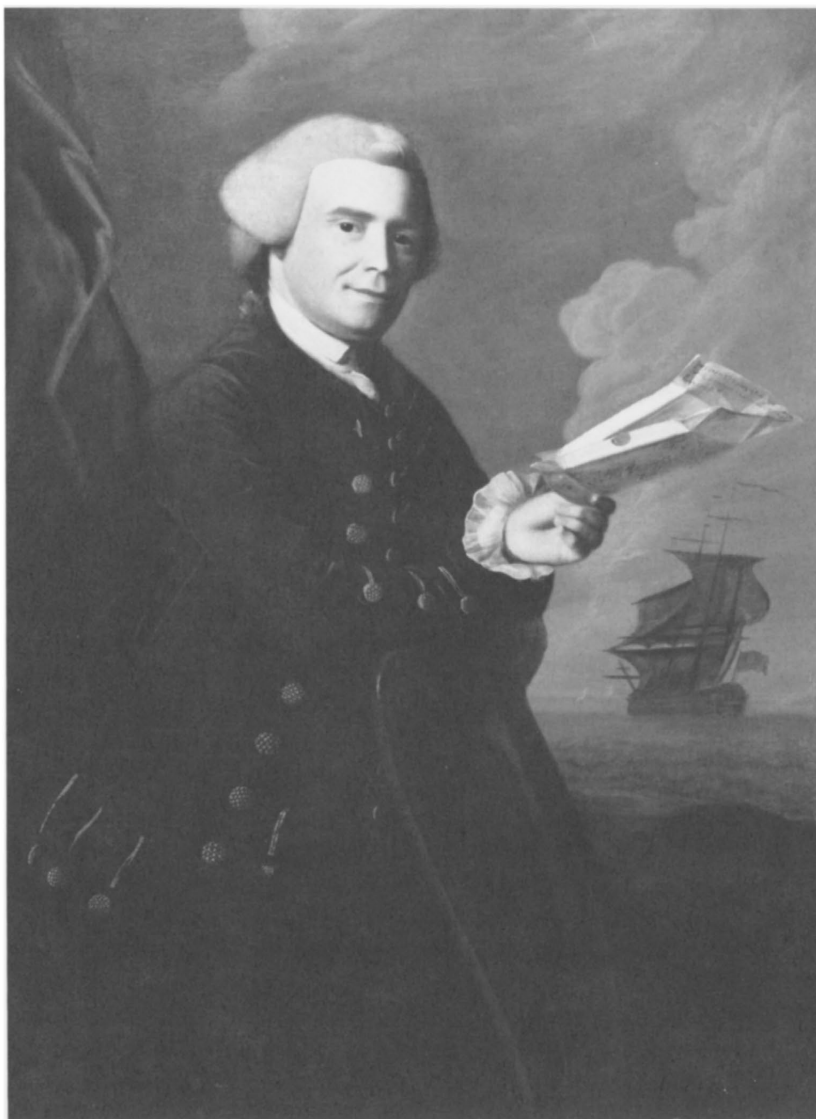
The May meetings at the British Coffee House demonstrated that a significant minority of merchants regarded continued nonimportation as pointless, especially after the partial repeal of the Townshend Acts. Their numbers were not yet large enough, however, to overcome patriot blustering and bravado. The agreement held firm, and the merchants’ committee redoubled its persecution of nonsubscribers, be they native-born or Scots. In June 1770 the patriot hierarchy seemed as powerful as ever.

The Final Collapse of Nonimportation: July 1770

Ironically, almost as soon as the patriots had defeated Mein, their most trenchant enemy, nonimportation began to collapse. The first breach of the agreement came not in Boston, but in New York. Discontented merchants there had forced the polling of the entire mercantile population of the city, a vote that ended with a majority in favor of reopening trade if Boston and Philadelphia agreed to do likewise. At a meeting of "merchants and others" on the first Monday in July, the Bostonians rejected the New York proposal and stood fast behind their resolution not to import until the repeal of the duty on tea. After receiving word by courier from Boston, the New York merchants called for a second poll, this time voting to reopen trade unilaterally. The Boston patriots were well aware of the difficulties they would now face after the defection of New York. By general agreement, nine-tenths of all Boston merchants now favored reopening trade.³⁹

Clearly, if they wanted to preserve the agreement, the patriot leaders needed to move extremely carefully in calling for any public consideration of the New Yorkers' defection. Summoning a meeting of the Body on July 24, 1770, the patriots chose to capitalize on the public indignation that had greeted the arrival of news two days earlier that Parliament had risen for the summer without repealing the remaining duty on tea. John Rowe noted that as a further goad to public spirit, some of the patriots "Proceeded through the streets with Dr. Young at their lead with Three Flags Flying, Drums Beating & a french Horn." Rowe, who had become increasingly disgruntled with the radicals, dourly predicted that the meeting would "prove very Prejudicial to the Merchants & Trade of the Town of Boston." At the session, the Body once again affirmed its commitment not to import until the repeal of the duty on tea, to cut off commercial intercourse with New York, and to appoint a blue-ribbon committee composed of Hancock, Adams, Cushing, Molineux, and others to visit neighboring New England towns, urging on them the necessity of continued adherence to the agreement.⁴⁰

Shortly after the July 24 meeting, sharp accusations of blame for the defection of New York began to circulate within the Boston merchant community. "Brutus," a pseudonymous writer in the *Boston Gazette*, pointed his finger directly at John Amory and the leaders



John Amory, by John Singleton Copley. Courtesy of the Museum of Fine Arts, Boston, M. and M. Karolik Collection.

of the fifty moderate merchants who had met in late May at the British Coffee House to demand a modification of the agreement. Writing in the August 6 edition of the *Gazette*, Brutus charged, "No man can blame us for a free animadversion on the conduct of a party among us to whom in both places many ascribe the origination of the defection at New York."

Consider the time of the meeting at the British coffee house—the known disposition of the majority of the signers to the rescinding paper— . . . the time the tares began to sprout at New York, and the infinite pains taken to persuade us that the crop was so widely scattered and firmly rooted that all attempts to prevent their choking every spire of corn on the continent would be in vain, nay even ridiculous.⁴¹

At the Coffee House meeting, Amory had apparently declaimed that if he could foresee "any evil influence on the liberties of his country" from signing the rescinding paper, he would sooner suffer "his hand to be cut off." Charging that Amory was "much warped in his judgment and [had] suffered his zeal to impose too much on his good sense," Brutus hinted "that a gentleman of Mr. A——y's reputation for knowledge, integrity and modesty, must . . . have been very unfortunate to assert with such vehemence that Salem, Marblehead, and Newbury had deserted in a manner aggravated by the vilest circumstances, when it is evident they are staunch to amazement."⁴²

What angered the radical patriots most about John Amory and the British Coffee House group was their claim that they represented the substantial interests of the trading community and that those who advocated continuing the agreement were mere interlopers, petty traders, and artisans, who had entered into the merchants' deliberations only after the BSETC grew into the association of Merchants and Traders or finally into the Body of the Trade itself. Brutus belittled Amory, his fellow partisans, and their claim that no merchants of any substance at New York had favored continuing nonimportation. How could they make such a statement, he asked, "when forty-two importers, and double the number of gentlemen" at New York had voted for a continuation of the agreement, a group "who for character and fortune . . . may vie with Mr. A——y or the foremost of his party, perhaps buy double their number, and pay ready cash for them!" "This," concluded Brutus, "is delivered as an argument *in point* since of late *men of property* have been tho't the only persons who should trouble their heads about the RIGHTS of their

country, themselves and property.”⁴³ In assigning blame, Brutus was resolute in his accusation that it was dissension within the Boston merchant community, caused by the meeting at the British Coffee House, that prompted the defection of New York.

In more conservative merchant circles, different rumors circulated about those merchants now in favor of a modified form of the agreement. According to one writer,

*Some of those hearty Well-wishers to their Country, who are now anxiously desirous of, (and who behind the curtain are so dastardly and meanly endeavoring to bring about) a general Importation, Tea excepted, are those fair and manly Traders, who have long been accustomed to smuggle in that Article from Holland: And if they succeed in that very patriotic plan . . . might monopolize the supply of that Article to the Northern Colonies. . . . [Such] contemptible Characters . . . never had an Iota of public, nor perhaps private Virtue, but thro fear of lawful Punishment.*⁴⁴

The notion merits consideration since it had long been Thomas Hutchinson's contention that Dutch smugglers, seeking to cut off trade in English tea and paper, had been one of the driving forces behind the agreement. (The Indemnity Act, passed in the spring of 1767 at the same time as the Townshend Act, allowed the East India Company a full drawback of all customs duties on tea shipped to America, duties that originally had been paid on entry into England. The drawback amounted to a savings of twelve pence per pound. Thus even though the Townshend duties taxed tea arriving in America at three pence per pound, its cost in the colonies was nine pence cheaper than in England, a saving substantial enough to threaten the smugglers' profit margin.)⁴⁵ Hutchinson clearly recognized this fact, and when he heard rumors that the Townshend Act might be repealed, he wrote speedily to England recommending that tea not be restored to its former status, “for that would encourage the smugglers.” Instead, he suggested levying a duty equivalent to “the 3d. now paid in America.” He was making this proposal, he wrote, because John Erving “assures me and he and his family know as well as any body that it is not worth while to run Tea from Holland” upon such terms.”⁴⁶ Hutchinson assumed that the Dutch smugglers sought to maintain the boycott on tea to protect themselves against the entry of East India Company tea into the American market at a price competitive with the Dutch version of the commodity. Such a theory

would provide us with a convenient explanation for why people like John Rowe and the younger Ervings drifted farther from the patriot party during the summer of 1770, but in the last analysis the idea must be rejected. There are better reasons: Rowe held the supply contract for the British regulars, and the Ervings had run afoul of the merchants' committee early on in the nonimportation controversy. A number of other prominent figures in the Dutch trade (Thomas Boylston, William Molineux, William Cooper, and Solomon Davis) remained steadfast in their support of the complete agreement, as well they might. (Paper and other European manufactures were second only to tea as staples in the Dutch trade.) Thus, it was probably not the Dutch smugglers who sought to modify nonimportation in the summer of 1770 and to promote the New Yorkers' rescission of the agreement.⁴⁷

If the patriots sought a scapegoat for the defection of New York, they might well have looked to their old enemy, John Mein. Mein's publications, though now silenced, had obtained far more credence in the other port cities of North America than they had in Boston itself, where people were more aware of the absurd limits to which Mein occasionally pushed his arguments. Nevertheless, the damaging cargo manifests published in the *Boston Chronicle* and particularly the compendium pamphlet *The State of Importations from Great Britain into Boston from January 1769 to August 1769* had created an impression elsewhere that Boston was less than steady in adherence to the cause. Indeed, Mein himself later claimed in a memorial to the ministry (when he was seeking a pension) that "the Rupture between the Boston Faction and the combining colonies of N York and Phila. [resulted from] accusations brought by the latter against the former," which could only have been drawn from his publications.⁴⁸ The news of the New Yorkers' defection caused much recrimination among Boston patriots. But the supporters of nonimportation had only themselves to blame for their own inconsistencies and John Mein for having made such discrepancies known to the world.

*Frantic Last Efforts to Maintain the Agreement:
August–October 1770*

When the Bostonians finally ceased their recriminations against one another, they turned their attention in August 1770 to preventing

their smaller and more impressionable neighbors from following New York's example. Molineux, Phillips, Cooper, Ebenezer Storer, and William Greenleaf visited Salem, Marblehead, and Newburyport in mid-August to investigate charges that those towns had departed from the agreement. Although the Boston delegation was initially threatened with tar and feathers at Salem, the North Shore merchants must eventually have cleared themselves from disrepute since on August 13 the Boston Body of the Trade voted to approve the conduct of the northern Massachusetts seaports. The Bostonians then turned their attention to Rhode Island, and appointed Molineux, Cooper, Thomas Boylston, William Whitwell, and Jonathan Mason to visit Newport and Providence, where they met considerable resistance and hostility.⁴⁹

The merchants at Newport hotly resented the visit. Although the Newporters voted to rejoin the nonimportation agreement on August 20, one merchant charged that the meeting of the trade that renewed the agreement "was composed of merchants that trade to the West Indies, a few traders to Philadelphia, and the lower class of mechanics." Nevertheless,

None of our Importers thought it necessary to oppose this, having been promised great indulgences by our Committee. Broad hints were given them, that their [sic] should be two doors to the store that should receive their Goods; a foredoor to receive them and a back door to redeliver them.

This suggestion, the writer charged, came from Molineux, Mason, and Cooper. "In short," the Newporter concluded, "we have agreed to act the same double part they have ever acted at Boston. . . . These are fine times for the importers here, no kind of goods remains long on Hand."⁵⁰

At Providence, the Bostonians met with even more antagonism and less success. The same source reported that there "the Boston Committee could do nothing; and after they had tried every Method without Success, they told one of the B[rown]s who are Merchants there and high Sons of Liberty," that if Rhode Island and the other seaports near Boston "did not stand by them they must give up; for their party was become very low at Boston and the call for Importation high."⁵¹ The Boston delegation turned homeward with only mixed results. Newport had rejoined the agreement with questionable enthusiasm, while Providence remained adamant to reopen

trade. Molineux and his entourage faced even more serious difficulties back in Boston, where patriotic vigor had begun to wane and the unwelcome news had just arrived that Philadelphia was now considering abandoning the agreement.

The patriot leadership clearly hoped that the engines of popular pressure might be put in motion one last time to forestall any weakening of the agreement. On September 10, 1770, the *Boston Gazette* announced,

We hear that there will be the greatest Meeting of the Trade and Inhabitants of the Town at Faneuil Hall next Thursday [September 13] that ever was known, that all Business will be laid aside on that day, and the Shops and Warehouses shut up, that the Whole Attention of the Town will be employed to settle upon the surest basis the Non-Importation Agreement, that it may be permanent against the least Infraction . . . until the Act imposing the Duty on . . . TEA is totally repealed.⁵²

Some Bostonians, however, had different ideas about what would transpire at the September 13 meeting. For three days preceding the meeting of the Body, a group of approximately seventy merchants met at the British Coffee House to discuss "conciliating measures." William Bant reported to his North Shore correspondents Jackson and Bromfield that "at our Merchants Meetings separate from the Body as it is called, the Merchants have agreed upon a Letter to Philadelphia proposing a Congress to be held by committees from the Several Governments." With a crowd of approximately one thousand in attendance, the Body approved such a letter on September 13 and voted that nonimportation would remain in force until a Continental Congress suggested an alteration in the agreement if necessary. One issue, according to Bant, remained to be worked out: "who shall chuse the Com^{ee} whether the Merchants separate from the Body or the Body wherein the Merchants may join if they please." Bant worried that "the whole matter will have come to nothing for both parties are very stiff and unyielding."⁵³ Both the Body and the merchants continued their separate meetings on September 14 and 15 before the merchants finally conceded that the Boston delegation would be chosen by ballot of "the whole Body of Merchants, Tradesmen and all others connected with Trade." Although the merchants lost the point in question, they had at least succeeded in establishing an identity separate from the Body. The September 13 meeting, as

Harbottle Dorr noted, was "the last meeting of the merchants and inhabitants together" until the Boston Tea Party.⁵⁴ Ever since the early days of the nonimportation agreement, the patriots had relied on artisans and laborers to bully the opposition at meetings of the Body. Now that the merchants had successfully reasserted control over their own deliberations, government party adherents could look forward to a new era of more moderate commercial policy.

On September 22, 1770, the Philadelphia merchants voted to follow New York in importing all goods except tea, although no deliveries would be permitted before January 15, 1771. This news was known in Boston by October 1, and on October 9 the merchants' committee met at the British Coffee House to lay plans for a general meeting. This time, however, moderates outnumbered radicals on the committee, with John Amory, John Rowe, and Edward Payne outvoting Isaac Smith and Henderson Inches. Within three days a merchants' meeting voted unanimously to reopen trade on all items except tea, and by October 18 the committee had returned all the goods that had been stored in its custody.⁵⁵

Leading radicals viewed the end of the agreement with equanimity. The Reverend Dr. Samuel Cooper wrote Thomas Pownall that the defection of the New York merchants had "rendered it impracticable" for both Boston and Philadelphia to maintain the agreement any longer. "It stood long, however," Cooper reflected, "considering how much it was opposed to private interest. . . . The measure is exhausted, but its effects may long remain—the true spirit of it has been a good deal diffused thro' the country and there, it flourishes in its natural soil." James Bowdoin agreed with Cooper, noting that he was surprised that the agreement "continued so long, for besides the operation of interest there were the underworking and lies of emissaries to make [the colonies] jealous and diffident of one another." Concerning this intercolonial backbiting, Andrew Eliot commented to Thomas Hollis, "New York throws the blame on us and accuses this town of treachery. . . . That there hath been deceit among some individuals cannot be doubted, But the town in general has been honest, and has suffered incredibly; more I am persuaded than any town on the continent."⁵⁶ For the sake of opposing all the Revenue Acts instead of just the Townshend Act, the town had long endured an economic policy that the majority of its merchants could ill afford.

Although the nonimportation agreement finally dissolved with little controversy or fanfare, the scars of the earlier battles it had engendered lived long afterward in the Boston merchant community. Indeed, a merchant's stance on nonimportation is one of the best indicators of his forthcoming loyalism or patriotism. Of a sample of 392 Boston merchants and traders whose revolutionary loyalties can be definitely ascertained, 118 were Loyalists, 163 became active patriots who served either in the armed forces or in the revolutionary government, 37 were self-proclaimed neutrals, 59 died before the outbreak of hostilities, and 15 either went permanently bankrupt or moved away. Among the 118 Loyalists, 74 percent had declined signing the agreement and 52 percent had been in some form of conflict with the patriot establishment over nonimportation. Of the 26 persons who appear, on the basis of Mein's cargo manifests, to have been major violators of the nonimportation agreement, 18—nearly 70 percent—were future Loyalists. Three others (John Bernard, Nicholas Boylston, and Nathaniel Rogers) either died or left Boston before 1775, although they would have almost certainly been Loyalists had they been in Boston at the outbreak of the fighting. Two of the remaining 4 major offenders, Joseph and William Rotch, lived in Nantucket, thus escaping patriot wrath, though they eventually paid their due as owners of one of the ships that brought East India Company tea to Boston at the time of the Tea Party. Clearly, one of the most unifying factors among Boston merchant Loyalists was their opposition to the nonimportation agreement.⁵⁷

The controversy is also crucially important in revealing certain internal rifts within the mercantile community. Before the adoption of the nonconsumption agreement in October 1767, Boston merchants had remained more or less unified on major issues facing the trade, whether it was reinstating Benjamin Barons, challenging the authority of the vice-admiralty court, opposing the renewal of the Molasses Act, or nullifying the enforcement of the Stamp Act. Certain groups, it is true, had played a leading role in these events; the Dutch smugglers, in particular, had been especially prominent. But the merchant community as a whole had given them at least its tacit support. Nonimportation changed all this, however, by laying bare the conflict of contending interests within the merchant community itself.

Chief among the supporters of nonimportation were prominent wholesale merchants like John Hancock and William Phillips,

heavily burdened with enormous stocks of goods and sorely worried by the rapidly proliferating numbers of small-scale, combination wholesale and retail merchants who threatened to undercut their trade. Such merchant princes sought to reduce their inventories and drive out competition in the dry goods trade by temporarily suspending the importation of goods from England. To effect such a policy, they found it necessary to appeal over the heads of their competition to shopkeepers and artisans who had traditionally not been permitted to attend the deliberations of the Boston Society for Encouraging Trade and Commerce. Thus, the decision-making group grew first from the BSETC into the loose association of Merchants and Traders, and finally into the Body of the Trade, an organization almost interchangeable with the town meeting. To maintain the agreement, the patriot merchants were willing to resort to every means of public intimidation or mob violence short of outright murder. Such was the nature of the "Well-Disposed."

A number of distinct groups gradually emerged in opposition to the agreement, although they were never so well organized as the Well-Disposed. Perhaps most characteristic among them were young, newly established merchants, particularly those with family ties that bound them to the royal government. These men were seconded by a large group of non-natives, especially those who were not independent merchants but rather the factors of firms in England or Scotland. Among the fifty factors listed in the 1771 tax list, Loyalists outnumber patriots by a two-to-one margin. Among thirty-six non-natives (mostly Scots) in the Boston merchant sample, 81 percent became Loyalists. (Indeed, non-natives account for one-quarter of all Boston merchant Loyalists.)⁵⁸ Thus, when factors and natives are added to the numbers of young, newly-established merchants tied in some way to the royal government, the picture of the opponents of nonimportation is almost complete except for the addition of a loose assemblage of senior merchants. These older, well-established merchants had little in common, except, perhaps, that they kept slightly smaller inventories than the Well-Disposed dons and tended to be less active in town politics. They may have opposed the leaders of nonimportation out of a sense of commercial rivalry, or perhaps, like John Amory, they may simply have had less to fear than merchant princes like Hancock from the changing nature of trade in Boston in the late 1760s. Nevertheless, all the patriots' enemies were united in their

dislike for the way nonimportation had allowed nonmercantile elements to seize control in making the major decisions affecting trade. Ultimately, it was this resentment, together with the lack of results that nonimportation produced in England, that prompted them to throw off the dominance of the Well-Disposed successfully.

Although the differences within the merchant community would develop further along these same lines, the divisions would not change considerably in the years preceding the Revolution. Nonimportation was the catalyst causing the two sides to coalesce more or less in their future factional divisions. Thus, for the merchants, it was not the Coercive Acts, nor the Tea Party crisis, nor any of innumerable other events in the 1770s that forced men to take a stand and be counted either as “friends of the government” or as patriots; rather, the nonimportation controversy itself became the crucible in which white-hot revolutionary loyalties were forged.

5.

Smuggled Tea, British Monopoly, and the Liberation of Self-Interest: Boston Merchant Politics from the Credit Crisis of 1772 through the Boston Tea Party



Historians have often remarked on the period of uneasy calm that befell New England in the years following the collapse of the second nonimportation agreement. Although patriots continued to clash with royal administrators on a number of key issues during the 1771–1773 period, no question so convulsed the town of Boston as nonimportation had done or as the arrival of the East India Company's tea was yet to do. Three main themes pervade this period of tranquillity, however, and help provide a context for the tea controversy in late 1773.

First, the downfall of the nonimportation agreement had badly shaken the patriot coalition. Merchants, assiduously pursuing their own profit, now shunned politics. Nonimportation, many of them believed, had cost them much and benefited them little. The growing rift between John Hancock and Sam Adams was symptomatic of a general malaise that had begun to affect the entire patriot party.

Second, all the structural problems that had traditionally afflicted Boston's trade continued unabated after the collapse of the nonimportation movement. There were still far too many importers

and retailers present in Boston for the town's unhealthy economy to support. British merchants, eager to dispose of the large stocks of goods they had accumulated during nonimportation, were once again extending credit to fledgling merchants on the same easy terms that had so angered well-established importers before the movement began. Such a situation aggravated the credit crisis that occurred in 1772 and made it increasingly difficult for British merchants to collect the money owed them when hard times hit on their side of the Atlantic. In Boston, the credit crisis once again drove home the point of how little control American merchants had over their own economy, and Bostonians futilely sought out scapegoats by carrying on a vendetta against the auctioneers, the only members of the merchant community who appeared to be profiting in this time of economic hardship.

Third, despite a remission in the political fever that had seized the colonies in 1769–1770, Bostonians continued to debate the proper role of American trade within the empire. In early 1772, the patriot Artemas Ward advocated a plan for unrestricted American trade that rivaled Otis's most advanced statements of the mid-1760s. Americans should be free, he claimed, to pursue their economic self-interest wherever they found it around the world. In opposition to such thinking, Tories reasserted the traditional idea of the organic commonwealth: no one part of the empire should profit at the expense of the common good. Smugglers, who imported foreign manufactures, hurt the harmony of imperial trade even though they provided goods for American consumers at cheaper prices. Government party spokesmen sought to portray the illicit traders as dangerous public enemies. Such an attack made it difficult for the smugglers to rally public support in the fall of 1773 against the East India Company's plan to market English tea in the colonies at reduced prices. Yet succeed they did, bringing public discontent to the highest level since the stormiest moments of the nonimportation movement.

The Uneasy Calm

According to Thomas Hutchinson, who has the advantage of being one of the first historians to comment on the years 1771–1773, “In no independent state in the world could the people have been more happy than they were in the government of Massachusetts Bay.”

Though hardly a disinterested observer, Hutchinson, who had been governor since March of 1771, was certain "that there had been no period when the province was more free from real evils." With trade imbalances somewhat redressed by the salutary effects of nonimportation, commerce appeared to be flourishing in 1771 and early 1772. Since under such circumstances the people "felt nothing could be made the means of disturbing them," Hutchinson believed that the patriots were forced to resort to "fears of something future" in order "to keep up a spirit of discontent."¹

Despite the superficial tranquility of events, Hutchinson was disturbed about the nature of this uneasy calm. Writing to his friend and confidant Thomas Whately, he observed that all the troublesome issues that had so disturbed the political quiet of the last decade still lay unresolved, including the crucial right of Parliament to tax the colonies without their consent. "The wound may be skinned over," he noted, "but [it] can never be healed until it be laid open to the Bone. Parliament must give up its claim to a Supreme authority over the Colonies" or the colonies must cease from asserting the right of supreme legislation for themselves. "Until these points are settled," he concluded, "we shall be always liable upon every slight occasion to fresh disorder." Andrew Oliver, Hutchinson's kinsman and political ally, agreed: "Altho' there is an intermission of Acts of Violence at present, yet the leaders of the people were never so open in asserting our independence of the British legislature which possibly may be productive of more serious consequences." Royal officials clearly perceived danger in the increasing openness with which the question of colonial independence was articulated, and viewed it as the real issue behind Hutchinson's frequent clashes with the General Court and the committee of correspondence.²

Clearly, one of the major reasons for the ostensible calm of this period is that following the collapse of the nonimportation agreement, the political forces of the patriots had fallen into disarray. Now that Governor Bernard had departed, they were no longer united by their animosity toward him; in his place now sat Thomas Hutchinson, a statesman much respected throughout the province and the head of a powerful network of allies. A much shrewder political manager than Bernard, Hutchinson was quick to exploit the growing divisions within the patriot party, including the all-important rift between John Hancock and Sam Adams.³

Relations between the two leading patriots had been cool ever since Hancock visited New York and Philadelphia in October 1769. There, other Whigs had apparently convinced him that the radicalism of Adams and other Boston extremists was hurting the cause. In May 1771 Hancock's friends urged Hutchinson to accept him into the Governor's Council on the grounds that Hancock wished to be separated from Adams; but without a personal application from Hancock, Hutchinson demurred. By December 1771, the quarrel between Hancock and Adams had blazed into the open, and in April 1772 the pair found themselves voting on opposite sides in the legislature. Hancock's partisans withheld their votes from Adams in the May election, causing the friends of government to exult in Adams's near defeat. With such prompting, Hutchinson now invited Hancock into the Governor's Council, although Hancock declined to serve either because of business troubles of his own or because of a desire to prove to the people that he had not sought the office. Whatever the reasons, the dispute between Adams and Hancock, whose influence in the town of Boston was indeed vast, greatly hurt the patriot party.⁴

The altercation between Adams and Hancock was symptomatic of a growing estrangement between radical patriots and the leaders of the merchant community, whose purses could often dictate their political principles. The nonimportation agreement had expired in an atmosphere of mutual recrimination and distrust, not only between rival port cities but between individual businessmen within the town of Boston as well. Concerning the decline of fervor among his fellow merchants, the Whig importer Samuel Allyne Otis remarked, "There is but little honor amongst them" and "even less dependence to be had on one another." Alienated by the excesses of the nonimportation movement, even such stalwart smugglers and former patriots as the Ervings had swung over into Hutchinson's camp. Hurt by such key defections, the radicals had also lost their influence in the merchants' meetings, because ever since the summer of 1770, the importers had rigorously excluded all shopkeepers and other such interlopers from their councils.⁵

More than anything else, Sam Adams needed a substantial issue that would reunite his fragmented party and win back the support of the business classes. Such was clearly his intent in agitating the issue of the independent salaries of the judges of the Superior Court in September 1772. Equally clear, however, was the reluctance

of leading patriot merchants to be associated with the cause; John Hancock, Thomas Cushing, William Phillips, John Scollay, and Samuel and Benjamin Austin declined seats on the first committee of correspondence when it was established in November 1772. Instead, Adams had to accept William Dennie, William Greenleaf, William Powell, Nathaniel Appleton, Oliver Wendell, John Sweetser, Jr., Captain John Bradford, William Mackay, Nathaniel Barber, Caleb Davis, William Molineux, and Robert Pierpoint, all merchants with much less political and social importance. Of the latter group, only Molineux had much political experience, and only Dennie had an estate large enough to rival those of the men who had declined. Thus, even though in its circular letter the committee included complaints against the admiralty court, the customs commissioners, and the restrictions on manufactures, most Boston merchants cast a cautious eye over the proceedings. Adams would have to find a better issue than the judges' salaries to reunite the merchants with his shattered party. Such an issue—the Tea Act—would not arise for another year.⁶

Just as the pivotal question of Parliament's right to tax the colonies lay dormant after the partial repeal of the Townshend Acts, so too did a number of structural problems associated with trade remain unresolved even after the sound and fury of the nonimportation movement had subsided. Boston merchants still suffered from acute competition caused by the vastly increased number of shopkeepers and petty traders within the business community. By late 1771, John Hancock was again reiterating his familiar complaint: "Our Trade here is on such a miserable footing that I have Resolv'd at least for the Spring Season not to Import any Goods. . . . The Town is so stock'd that [goods] are Sold many times at & sometimes under the Sterling [i.e., original] cost." Such a situation did not suit Hancock, who preferred to be without goods rather than trade on such terms. As always, he felt he knew where to place the blame: on the British merchants for their inability, or unwillingness, to discern between "a Man of Capitall," like himself, and persons of no credit.⁷ Eager to divest themselves of large stocks of goods accumulated during nonimportation, British merchants had once again dumped manufactures on the colonies in record quantities, extending credit to whoever asked for it. Even after nonimportation, American merchants could exert no greater control over their own economy than they had previously: they were pawns in the hands of British mer-

chants and cabinet ministers. To make matters worse, each imperial crisis seemed to intensify the cycle of glut and debt followed by scarcity and retrenchment.

Nor were Americans in complete accord about what role they *should* play within the imperial economy. Some firebrands like Artemas Ward believed America's best interest lay in recognizing its own commercial importance and ruthlessly exploiting it. If England would not repeal all the laws restraining colonial trade, then "the most eligible course for the Americans was to form a government like the United Provinces in Holland" and "offer a free trade to all nations in Europe." Such a plan would effectually secure America from attack because "it will be the interest of the European powers to prevent any one nation from acquiring more interest in America than the rest." "The privilege of a free trade with [America]," Ward confidently predicted, "will be courted by all the powers of Europe."⁸

Just as Ward chose to discuss American trade in the emergent vocabulary of self-interest, so too the Tories chose to defend the navigation system by harking back to the traditional concept of the organic commonwealth. The conservative penman "Chronus" replied to Ward the week after in the pages of the *Massachusetts Gazette*. "To view this subject in a proper light," he argued, "it ought to be considered that ours is a commercial Kingdom. That the strength and wealth and happiness of it, chiefly depend on its trade." But because individuals commonly followed their own private interest, it was necessary to enact laws so that "each industrious man might have an equal chance of improving his fortune, but especially to provide *ni quid detrimenti capiat Respublica*." Parliament had established laws "to restrain such branches of trade, as were likely to prove hurtful to the fair Trader, or to the Manufactures of the Kingdom" or alternatively had laid "such duties upon improper trade as might be deemed equivalent to the damage sustained." The intent of extending such laws to all parts of the British Dominions was "to prevent one part of the national body from hurting the other." If the colonies insisted on importing foreign manufactures to the extent of weakening and impoverishing British industry, Parliament would need to intervene to impose restraints on such trade since it was unlikely that the colonists would "lay a discouragement upon a branch of trade which tended greatly to their own wealth." Such arguments, Chronus realized, were concerned more with the regulation of trade than with raising a reve-

nue from it, but since the colonies benefited from the empire, why should they not help pay for it?⁹

The issues raised by Chronus elicited replies from no less a patriot spokesman than Sam Adams himself. Writing as "Candidus" in the *Boston Gazette*, Adams denied that Parliament's right to make laws for the regulation of trade was ever in question. Nor did he doubt that Parliament had the power to enforce its will, for "The strongest maritime power . . . will always make the most advantageous treaties and give laws of trade to other nations." But, argued Adams:

The matter should be considered equitably if it should be considered at all. . . . If the trade of the colonies is protected by the British navy, there may possibly from thence [be] infer'd a just right in the Parliament . . . to restrain [the colonies] from carrying on their trade to the injury of Great Britain.

But this was not the same as to say that Parliament had the right to legislate for them "in all cases whatsoever," or to lay duties "for *the express purpose of raising a revenue*." "In the one case," conceded Adams, "it may be wisdom of the colonies to acquiesce in *reasonable* restrictions. . . . In the other, it is a duty they owe to themselves and their posterity by *no means to acquiesce*; because it involves them in a state of perfect slavery." Adams held fast to the old distinction between direct taxation and the regulation of trade: the latter was acceptable under some circumstances, whereas the former was not.¹⁰

Regardless of the ideological justifications that Adams could muster on the patriots' behalf, a significant number of Boston merchants still continued to evade the revenue laws. Although seizures for customs violations were not up to the high point of 1768–1769, their number was once again on the rise after a slight lull in 1770. Whether merchants were smuggling more or whether efforts at the detection of violations had simply been stepped up is, of course, impossible to tell at this distance in time, but it does seem clear that enforcement of the revenue laws was once again a point of friction.¹¹

Despite continued smuggling, the partial repeal of the Townshend duties had quieted most Boston merchants, and they had more or less ceased their complaints against the remaining duties on tea, wine, molasses, foreign sugar, and the like. The merchants may have realized that they had gone too far in the indiscreet language of

their 1769 *Observations on the Several Acts of Parliament*. Writing in January 1770, "A Merchant" noted that it had been thought prudent for the moment to suspend open efforts to win further concessions,

for it may not always be right to urge openly all that can be said on every subject. There are commercial practices that no nation will choose openly to avow; yet such as everyone will endeavor secretly to promote. And there may be some secrets in the method of carrying on such commerce as it may be highly improper to disclose.¹²

The Boston merchants' *Observations* provided at least one old enemy with a field day for ridicule. John Mein, now in England, amused his readers there by quoting extensively from the pamphlet and, not incidentally, revealing the secret agenda of that document. "All of this is exceeding plain," he concluded. "These Acts of Parliament greatly restrain their illicit trade," and they would like them removed; "With the Boston merchants, every regulation, restriction, or tax is a grievous unconstitutional burden: *one penny* as well as five shillings is a great burden." Like most of what Mein wrote, his gibes contained just enough truth to make them sting. Certainly the merchants had written the pamphlet with a clear awareness of just how many of Boston's natural trading interests lay outside the empire. "That Smugglers should think bonds, certificates, oaths and fees, intolerable grievances and wish to be relieved from all legal restraints," teased Mein, "is natural enough; but that they should write a pamphlet, on purpose to convince England that their unlawful goods should be protected 'from the jaws of these devouring monsters, Customs-House Officers,' certainly manifests a most extraordinary degree of assurance and folly."¹³

According to Mein, "some of the leaders of the Faction [had] strong motives for joining in opposition to the Laws of Trade." Alluding to men like John Rowe, William Molineux, and Solomon Davis, he charged that some merchants had "acquired very large fortunes by means of Illegal traffic." According to Mein, "their aim is to keep their money and their free trade, or rather their illicit trade, as long as they can." Mein went on to recount an anecdote: When "one of the greatest merchants in New England" was asked why the Boston merchants persisted in their opposition to the laws of trade, he laughingly confessed that the merchants "were all very well agreed to keep their money" rather than pay the duties, and "to make the most of their

present advantages in trade, as long as they possibly could and that they would not submit until they were forced." Ridiculing their hypocrisy, Mein contended that the substance of all the writing and petitioning of the Boston merchants could be reduced to this: "Take away the troops, the ships of war, and the commissioners, and put us in our former situation of *smuggling* without risk and without penalties, otherwise we will continue to be mutinous and rebellious." Uncharitable perhaps, but not without a kernel of truth.¹⁴

An uneasy calm prevailed in Massachusetts from the collapse of the nonimportation movement in 1770 until the outbreak of the credit crisis of 1772. The factious patriots were unable to discover a suitable issue that would rekindle popular zeal for their cause. All the dilemmas that had prompted them to resort to nonimportation remained unresolved. There were still more merchants in Boston than the town's commerce could support, and debts to British suppliers loomed ever larger. In the midst of such conditions, some patriots had come to question the costs of America's commercial dependence on Great Britain, while others still found it impossible to imagine economic existence outside the empire.

*The Credit Crisis of 1772 and the Vendetta
Against the Auctioneers*

If moderates still needed to be convinced that the American economy would be better off free from London's control, the credit crisis of 1772 did much to remove any lingering doubts. This last and probably the most severe of the commercial crises that afflicted imperial trade dramatically brought home to American merchants just how few of the organizational problems of transatlantic trade had actually been resolved by the nonimportation controversy. Native American merchants were still virtually powerless to direct the affairs of the colonial economy; the rise and fall of their fortunes still depended on affairs in England. Although the colonies had lagged behind Great Britain in their recovery from the credit crisis of 1762–1763, by 1770 they were once again on a sound enough footing to participate in the great expansion of Britain's foreign and domestic trade, which occurred between 1770 and mid-1772. Despite the empire's seeming affluence in those years, money capital failed to increase at a rate

commensurate with the amount of commercial credit that had been extended to the colonies, and although speculation drove the credit boom to dizzying heights in early 1772, the inevitable day of reckoning finally arrived.¹⁵

Boston merchants apparently did not receive word of England's financial collapse until late June. John Hancock's assistant, William Palfrey, was among the first to hear when his London correspondent reported "nothing but bankruptcies here . . . , abt 12 capital houses have stopt within these last 10 days & as many more [are] expected before ye end of the month." As Palfrey's correspondent noted, the first and most severe effects of the crisis were initially felt by Scottish businesses, although the panic later spread to merchants in London and other English ports as well.¹⁶ To some Londoners, this must have seemed a fitting penalty for the Scots, since it was they who had been so lavish in extending credit to the colonies.

Throughout the late summer and fall of 1772, Boston newspapers printed the disheartening news of continued bankruptcies in England. The principal effect of the crisis in Massachusetts came in the form of the incessant efforts of cash-poor British merchants to persuade their American correspondents to pay their debts. One scholar Richard Sheridan, has estimated that the extent of the northern colonies' indebtedness to Great Britain at this time reached as high as £4 million or £5 million. The situation was particularly severe in Massachusetts: even after a period of considerable debt reduction in 1773–1775, British merchants in 1776 still held claims worth £172,789 on Massachusetts debtors alone, an amount significantly larger than that owed by any other colony north of the Mason-Dixon line. In desperate need for cash and citing over £100,000 owed him by Americans, Henry Crueger, John Hancock's Bristol correspondent, urged Hancock to sell immediately whatever goods Crueger had consigned to him. On November 5, 1772, Hancock replied that he could not dispose of Crueger's goods without "a manifest loss" and that if Crueger wanted cash immediately, the goods would have to be sold at auction, where they would not even "fetch the Sterling cost." "The Town is so full of Goods & Money so scarce," wrote Hancock, "that I doubt whether I shall be able to get rid of them this winter." In such times, only the vendue houses prospered; Jonathan & John Amory called them "the best Accustomed Places [in the city] where large Assortments of fresh Goods are constantly selling off." These were

hard times indeed—goods would not sell beyond their original cost and only auctioneers could make profits, by selling the stock of their hard-pressed merchant colleagues.¹⁷

With the sales of manufactures in such a perilous state in North America, London merchants could hope for little in the way of remittances to ease the credit pinch. “The British merchants have but dreary prospects from the other side of the Atlantic,” John Mein wrote. “They know that every vessel from that quarter brings a renewal of disappointments and a renewal of promises which . . . never will be fulfilled.” Although Mein regarded the predicament of British merchants as “affecting,” he did not think that their problems had been “unforeseen or unfortold.” According to the Scottish printer, “The millions that this generous kingdom had lavish’d . . . on the wilds of America [during the Seven Years’ War] had raised pedlars and ploughmen to the rank of merchants.” A few years of normal peacetime conditions, however, “had reduced these mushroom merchants to their primitive insignificance.” British merchants, said Mein, could easily learn the extent to which America was overstocked with goods by “looking into their public prints” and counting “the daily auctions advertised in every quarter of every great town on that continent.” In his judgment, “Most of those who now traded on credit were either fast declining or raw striplings just out of their apprenticeship.” English merchants must learn from their losses and leave off “that general and indiscriminate credit which they had . . . so injudiciously plunged into.” “American commerce,” Mein concluded, “which had overflowed so extensively, was now fast reverting back to the more contracted channel in which it had glided before the [Seven Years’] war”; merchants in transatlantic trade, he scolded, must learn in the years ahead to rebuild their commerce on a firmer and more lasting footing.¹⁸

In almost every contemporary analysis, the great villains of the credit crisis of 1772 were the vendue masters, or auctioneers, who miraculously seemed to extract profits from the misfortunes of their fellow merchants. Pressed hard for cash during these depressed times by their creditors in England, many merchants turned to the auctioneers to sell off large stocks of goods at bargain prices. Even though auctioneers were providing wholesalers with a valuable service by selling surplus goods for ready cash, the general merchants were outraged that the vendue masters should profit from their hard

luck. Thus Boston merchants singled out the auctioneers as scapegoats for the bad times and pressed the General Court for legislation that would stop the proliferation of auction sales. The General Court had considered laws for the regulation of vendue sales at least as early as January 1760, and once again at the outset of the nonimportation controversy in May 1768. A law finally passed, however, in March 1773, which limited the number of vendue masters in Boston to four, who were “to be entirely at the disposal and direction of the Selectmen.”¹⁹ (By restricting the number of auctioneers and regulating their sales, the wholesale merchants hoped to discourage the increasing tendency of country shopkeepers to purchase their supplies from auction houses rather than from established merchants.)

The passage of the vendue bill by the General Court in 1773 trapped Governor Hutchinson in a quandary. On the one hand, as he candidly admitted to John Pownall, a refusal to approve the new law would have hurt some of his friends in the dry goods business. On the other hand, the law lacked a suspending clause (delaying its implementation until approved in Britain), and although he truly believed that the act would put a stop “to great abuses from a number of auctioneers now [operating] in the town of Boston under no regulation,” he worried that the Lords of Trade would object because the power to license auctioneers was given to the selectmen and not the governor or the governor-in-council as Hutchinson believed was the practice in other colonies. Finally, even though past events had convinced him that any enhancement of the selectmen’s power was against the king’s best interests, Hutchinson signed the law, justifying his actions by saying that little harm would come if the act was in force for just a few months, until the Lords of Trade could be polled for their opinion.²⁰

Confirming Hutchinson’s worst fears, the Boston selectmen were ruthlessly political in distributing the new licenses. Because the new law reduced by almost half the number of auctioneers permitted to practice in Boston, competition for the lucrative posts was intense. Loyalists tended to outnumber patriots among the auctioneers, and the whiggish selectmen dispensed the rich plums to their fellow partisans, leaving others—such as Archibald Bowman, who as both a Scot and a Tory was doubly damned—to bewail their fate in the newspapers. In the April 8 edition of the *Massachusetts Gazette*, Bowman inserted an advertisement referring to himself as the “late auc-

tioner" now selling goods at "the Silent Auction Room." It concluded with a doggerel lament: "Fair LIBERTY, thou Idol Great/How narrow is thy Sphere!/Ye Men of Sense say where she dwells/For sure she reigns not here."²¹ The first effects of the new law regulating vendues were felt principally by auctioneers whose political opinions, as well as commercial practices, had rendered them obnoxious to their fellow townsmen.

A number of the auctioneers, however, found ways to circumvent the new law, the chief of which was to begin calling themselves "brokers." Under this loose appellation, they were free to pursue many of their old functions. One new broker advertised himself as willing to "undertake any kind of business . . . , [especially] the Disposal of Ships and Merchandize by Public or Private Sale, making Insurance on Ships and Merchandize, [and] buying Staple Commodities for the European Market." Although these brokers would be restricted from making public sales, they could pursue private sales or auctions of surplus merchandise with their former vigor. This clear evasion of the law's intent brought a sharp remonstrance from sixty-one Boston merchants, among whom future patriots outnumbered future Loyalists by a five-to-one margin. To examine the merchants' petition, the General Court established a committee, which reported on June 15, 1773, that they thought it reasonable that in return for the exclusive right of the public sale of goods, auctioneers might be prohibited from the private sale of items that were usually imported from Ireland and Great Britain. The committee was also of the opinion that Boston trade would not be harmed by adding to the list of approved auctioneers such people as thought themselves aggrieved by the late act, as long as the total number of auctioneers did not exceed ten. Thus, when the committee report became law on June 22, three of the government party auctioneers (Archibald Bowman, Martin Becker, and William Hunter) were once again allowed to take up their old pursuits. The General Court had compromised on the issue: the number of auctioneers now was more or less what it had been before the passage of the first act, but at least their numbers were limited as a safeguard against future proliferation, and the auctioneers were now barred from holding private sales.²²

All the General Court's efforts came to naught, however, when later in the year the Lords of Trade vetoed the new law during their annual review of the acts of the Massachusetts Assembly. Thus

the entire controversy revived with renewed intensity in the 1774 winter session of the General Court, when the House of Representatives set out to frame an improved version of the law. Once again a committee of merchants petitioned that “the very Mercantile Existence of Importers and Venders of British Goods” depended on the passage of the law, adding that both the merchants’ ability to pay their share of taxes and “the Subsistence of a vast number of Tradesmen and their Families” would be affected. The merchants particularly claimed that “an Imperfect View of the Case” had arisen from “the Ex Parte Representation of the Auctioneers,” and therefore they requested that they too might be heard before the General Court.²³

This time, however, the merchants had more than met their match in the glib use of patriot rhetoric; “The Answer of the Auctioneers . . . to the Memorial of the Importers of British Goods” is remarkable for the way it takes all the popular political catch phrases of the time and stands them on their head. Composed primarily by patriot auctioneers, the document defends their right to hold private sales by denying any responsibility for “the late Act limiting the number of Auctioneers and giving the Selectmen an Imprimatur on their Books and Business.” The auctioneers maintained that if they now enjoyed “an exclusive priviledge [to the right of public auction], it is according to law & at the request of the people complaining.” The angry vendue masters did not challenge the right of “the legislative Body in every well governed Country . . . to make and establish Laws for regulating, . . . and extending Commerce,” yet they maintained that the British legislature had always “been slow in granting the prayer of Petitions” like this one, which trampled “on the Liberty of one Subject” in exchange for “the Emolument or aggrandizing of another.”²⁴

Attempting to capitalize on the inflamed mood following the Boston Tea Party (this was now the spring of 1774), the importers had included in their petition the claim “that the allowing of Private Sales by Auctioneers has an inevitable Tendency to establish a Monopoly in their hands for the benefit of a few Merchants and Manufacturers in England, to the exclusion of regular importers of British goods in America.” The auctioneers, however, maintained that the reverse was true. According to them, “A Monopoly has in our apprehension always been supposed to mean a restriction or limitation of any particular branch of Trade or Commerce to a Person or Corporation, in

exclusion of other Subjects of the same state." If such a definition were correct, it was therefore not the auctioneers who were "striving for a Monopoly (ever odious in a free State)," but rather the merchants who sought to deprive the vendue masters of the right to support themselves and their families through the buying and selling of British goods.²⁵

For the merchants to attempt to taunt the auctioneers with charges of monopoly by comparing them to the East India Company was both "unfriendly and injurious . . . to the community" and savored "too much of the poor, tho' too common charge by making the first complaint." The auctioneers had to step quickly, however, to avoid the accusation that they habitually made "their Remittances in Cash or Bills of Exchange, whereas the Merchants export the produce of the Country." The best defense the auctioneers could make here was to point out that the sum total of their cash remittances for the year, £785, was a mere "mote in the Mind's Eye" when compared to the "Sums annually remitted by the Importers of British goods."²⁶

The urgency of the merchants' petition against them, according to the auctioneers, stemmed from the way vendue sales had successfully diverted some of the cash of country shopkeepers away from the merchant-wholesalers and into the auctioneers' pockets. "Auctioneers," they claimed, ". . . having in general no capital of their own and depending on the quickness of their Sales for a Living are obliged to sell for a small Profit, and thereby induce Country Traders to apply to them, rather than to the Merchant who expects a greater Profit." This, they readily admitted, was "detrimental to the great Gains of the Importers and Wholesale dealers, but . . . highly beneficial to the Community in general," because "the more generally the wealth of the Community is diffused the better enabled it will ever be to exert its whole Strength." In conclusion, they claimed, "Nothing can be more alarming to a Free People than to see the riches of the State running in a Narrow Channel" and into the hands of a "*wealthy few*."²⁷

In the minds of the auctioneers, "Commerce in every Age and Country has sustained more detriment from the endeavours of those, who having gained immense Riches in Trade, have become jealous of their less successful Brethren, than by any means whatever." Out of desperation, the auctioneers pleaded against the merchants' request that the act limiting the number of auctioneers be

made perpetual and that public auctions be restricted to one day a week. If private sales were banned, and these further restrictions were placed on their business, the vendue masters firmly believed that they would no longer be able to earn a livelihood. The merchant petitioners, they alleged, "would have discovered more Humanity, and more of a benevolent Spirit, if they had directly prayed that we and our Families should be literally starved." Trusting then in the greater humanity of the General Court, the auctioneers begged that the merchants' petition be denied. With the exception of Andrew Oliver, Jr., most of the nine signers of the "Answer of the Auctioneers" would be either future patriots or neutrals in the coming war. Perhaps the more outspoken government party auctioneers, such as Archibald Bowman, found the patriot-tinted rhetoric of the document offensive. Their objections would not have mattered, however, since the General Court acted quickly to comply with the demands of the merchants' petition. The law was reenacted and continued in force until military governor Thomas Gage, acting on royal orders, once again disallowed the act.²⁸

Clearly, the auctioneers had been made the scapegoats for the hard times brought on by the credit crisis of 1772. Even though they aided merchants by disposing of goods that had proved difficult to sell otherwise, they were perceived as jackals who preyed on the discomfiture of others. Thus wholesale merchants had asked the General Court to reduce the numbers of auctioneers and regulate their sales. Any threat the auctioneers may have posed to the general merchants was chiefly symbolic rather than real.

Dutch Smugglers and the Tea Trade

The credit crisis of 1772 and the public outcry against the auctioneers are only the outward and most visible signs of the internal difficulties that continued to afflict Boston's trade in the years after the breakdown of the second nonimportation agreement. Acute competition within a mercantile community grown too large to support all its members (as seen in the vendetta against the auctioneers) and the continued worsening of trade imbalances with England made the state of opinion within the Boston business world even more volatile at the time of the passage of the Tea Act in May 1773. Only with an

understanding of the extent and the seriousness of these two problems can the seeming illogic of the Bostonians' response to the Tea Act become comprehensible. How else can we explain in economic terms the total rejection of legislation whose net effect would have been a significant reduction in the price of tea to North American consumers, if we do not assume that Boston merchants transferred their fears of British monopoly to the entire populace? Threatened by the plan for the direct importation of East India Company tea into North America, patriot merchants, led by smugglers in the Holland trade, waged a highly successful propaganda campaign to defend their own autonomy and illegally gained profits, a campaign that reached its culmination with the Boston Tea Party on December 16, 1773.

The Indemnity Act of 1767 launched a five-year experiment lowering the inland duty on tea and allowing a full drawback of all import duties when tea was exported to North America. Thus, Parliament attempted to put the East India Company on a more competitive footing with the smugglers. The Townshend duty on tea was merely a way to recoup some of the revenue lost through the drawback of the Indemnity Act. Because it was passed at the same time as the Indemnity Act, the Townshend Act replaced the duty on tea payable in England with a partial duty collectible in North America. In this way, Parliament somewhat blunted its plan to make East India Company tea more competitive in the colonies with the Dutch version of the commodity.²⁹

When in 1770 Parliament repealed all the Townshend duties except the tax on tea, a number of those most interested in the British tea trade were disappointed. Not only did the continuing duty on tea make it difficult to compete with Dutch smugglers, but it also gave a certain patriotic sanction to the boycott of tea imported through legal channels. Thomas Hutchinson complained to Thomas Whately that he wished the duty on tea had been repealed as well, because it was plain to him that New Yorkers, who had been the first to advocate the continued boycott of that item, had done so only because it gave them "a far better pretence for bringing it from Holland" and obtaining "the general voice of the People for doing it." Hutchinson worried that the same types of pressure that the patriots had brought to bear so effectively on importers in 1769 and early 1770 would be used once again against tea merchants. Thus in the fall of 1770 he gave instructions to his correspondents that if other



Map of Boston Bay and Harbor, from J. F. W. DesBarres, *The Atlantic Neptune* (1777). Courtesy of the Boston Athenaeum.

Boston merchants did not order tea, the chests dispatched as part of his sons' tea business should be sent to Halifax, whence they could be secretly brought to Boston aboard the king's schooners. As it turned out, Hutchinson need not have worried. The Boston patriots, in disarray after the collapse of the nonimportation agreement, did not oppose the landing of dutied tea in 1771. Philadelphia and New York remained firm in their boycott, but leading scholars theorize that Boston was less heavily supplied by pre-existing smuggling routes and therefore could not afford to keep faith with its fellow ports. Be that as it may, contemporary testimony indicates that a great deal of Dutch tea still found its way into Boston, either via overland routes from New York or directly from Holland itself. The problem was so severe in 1771 that Andrew Oliver, whose son was in the same position as the young Hutchinsons, complained that even though British tea could be successfully landed, it was "a drug at present" because of the large quantities "of Dutch tea run in upon us."³⁰

The difficulty experienced by legal importers of tea competing with the Dutch smugglers became a constant theme expressed by certain Boston merchants throughout 1771. "The Company must keep their Teas nearer the price in Holland," wailed Hutchinson, "The Consumption [here] is prodigious." Angry, the governor saw all around him signs of a steady increase in tea drinking, yet he was certain that legal importers were finding it more and more difficult to sell off their stocks. He could only surmise that the increase in consumption was being absorbed by a greater number of Dutch traders. "Some further penalties and discouragements ought to be laid on Dutch Importers," he urged, for existing regulations seemed ineffective.³¹

Hutchinson's suspicions led him to calculate the extent of illegal importations and estimate the smugglers' profits. In August 1771 he reported that "some persons capable of judging suppose $\frac{5}{6}$ of what has been consumed in the last two years has been illegally imported." The profits of the trade were so "extravagant" that he estimated that illicit traders could afford to lose one chest in three, and yet he was very sure that not one in a hundred had been seized. The situation appeared to him to be even worse in Philadelphia and New York, where he thought nine-tenths of the tea was illegally imported.³²

At one point, Hutchinson became so incensed with Dutch smugglers that he opened his own private campaign to stamp out the illicit trade. The reason for the governor's wrath appeared to be his

growing awareness that Dutch tea not only was run ashore directly by inveterate smugglers like John Rowe and Solomon Davis, but also was brought into Boston by otherwise very respectable merchants after it had been landed illegally elsewhere. In September 1771, Hutchinson heard of an illegal shipment of twenty chests of tea “involving one whom he could not have thought possible.” Henry Lloyd, a person whom Hutchinson regarded as a man “of very fair general Character” and a strong adherent of the government party, had been selling on commission large amounts of “Dutch teas chiefly brought from New York,” where he had extensive family connections. “He imports small quantities from England to cover the other,” Hutchinson reported, which Lloyd then sold at rates undercutting anything the Hutchinsons could match in their tea business. The governor suspected that whoever was making these smaller shipments of tea from England might also be involved in illicit trade. He thus urged his correspondent, William Palmer, to go to the customs house to find out who had sent tea to Lloyd aboard recent ships, so that “we may find out . . . in what way he brings in his Dutch Tea and I may put the Officers in a way to come at it”—which, Hutchinson admitted, “would give me great pleasure.”³³

If it would have given Hutchinson “great pleasure” to apprehend a wayward Tory like Henry Lloyd, the governor would have been enraptured to snare yet another group of illicit traders. On September 27, 1771, he wrote to William Palmer with information on another smuggling venture. This time, however, he was careful to put certain parts of the message in his own private cipher.

The Vessel the foregoing Letter went by [[Davis]] is owned by [[C&R, most noted smugglers]] and it is now supposed that she is to go [[from England to Holland]] or in some way or other to return with a [[cargo of Dutch tea]]. Its a pity she cant by [[some means or other be intercepted. Let it not be known that this information]] came from me.³⁴

A little detective work yields some tentative leads about who these “most noted smugglers” might be. Hutchinson scholar Malcolm Freiberg believes that the words in code preceding “most noted smugglers” are the initials “C&R” and hypothesizes that *R* is perhaps John Rowe. Of the Boston merchants whose surnames begin with *R*, Rowe is surely the best guess, particularly since Hutchinson

had long been aware that the general talk of the town named Rowe as one of Boston's leading smugglers. The unidentified *C* poses more of a problem. Of the merchants whose names began with *C*, Boston's politically active town clerk, William Cooper, would be the most likely candidate, but little evidence survives of his involvement in the Dutch trade after the late 1750s. Although Rowe had moderated his patriot politics since the arrival of the troops in 1768 and Hutchinson had tried to woo him over to the government party, it is conceivable that the governor still harbored sufficient resentment against him to wish for his comeuppance. It was, after all, Rowe whom Hutchinson suspected of being the ringleader in the destruction of his house during the Stamp Act riots in 1765. And it is easy to speculate why Hutchinson would be so zealous in pursuing the downfall of Cooper, who was closely tied to Sam Adams as a leading member of the Whig junto.³⁵

If Freiberg is mistaken in his decoding, the evidence leads another way. The *Massachusetts Spy*, in its weekly report on Boston shipping for September 26, 1771, mentions the departure of "Davis" for London on that same day. The Ezekiel Price Insurance Papers at the Boston Athenaeum also indicate that in late September Solomon Davis insured £233 worth of goods aboard the schooner *Betsey*, on which William Davis was master. The standard 3 percent rate would indicate that nothing was particularly risky about the outward-bound cargo, but that, of course, has nothing to do with the purpose for which the vessel might be used after its arrival in London. Although illicit traders Thomas Boylston and John Erving, Jr., were sometimes involved in ventures aboard the *Betsey*, the frequency with which Davis insured cargoes in the ship points to Davis himself and his partner Melatiah Bourn as the owners of the vessel. Bourn and Davis, both of whom owned ships that had been seized previously and who served as agents of Amsterdam merchant John Hodshon, were clearly among Boston's "most noted smugglers." Both men had been extremely active in the highest circles of merchant politics ever since the Barons affair, and Hutchinson had also noticed that Davis was a popular leader of the crowd at the time of the Stamp Act riots. On one occasion, Davis had even been overheard to say to James Otis, "Country man I don't see what Occasion there is for a Governor and Council and House. You and the Town will do well enough." Clearly, Hutchinson had ample reasons besides his own commercial interests to regard both Bourn and Davis as dangerous. His attempt

to apprehend them as illicit traders, however, came to no avail, and he gradually gave up his efforts to act as a detective for the customs service.³⁶

With Dutch bohea, a black tea, selling for as low as eighteen pence per pound in 1771, smugglers had an ample profit margin in which to operate because high British duties raised the wholesale price of English tea at Boston to three shillings and nine pence, and the risk of seizure was minimal. When in 1773 Hutchinson's correspondent William Palmer tried to calculate the profits of Dutch tea and assigned 12 percent as the amount that should be deducted for the risk of illicit trade, Hutchinson revised his estimate downward to 5 percent. Because of his experience working with customs officers over the preceding two years, the governor now believed that not one chest in five hundred had been seized. With the customs service in such disarray, Hutchinson despaired that the illicit importation of tea would ever be discouraged, especially in Philadelphia and New York, except "by reducing the price of Teas in England much nearer the price in Holland than they are at present."³⁷

Parliament's decision to retain the Townshend duty on tea placed Dutch smugglers in a very advantageous situation. Not only was their product already cheaper than the East India Company's, but they also benefited from the patriots' continuing boycott of dutied tea as well. Therefore, it was only natural that when the Tea Act of 1773 sought to alter that situation, the smugglers would seek to defend such profitable circumstances as tenaciously as possible.

The Newspaper Campaign Against the Tea Act

In the fall of 1772, when the financial embarrassments of the East India Company caused the wholesale price of tea to rise in England, the cost difference between English and Dutch tea grew even wider. Without the intervention of Parliament, England might have lost an even greater share of the North American market. To aid the distressed East India Company, Parliament voted in May 1773 to allow a full (instead of partial) drawback on tea shipped to America. Although the three-penny Townshend duty on all tea arriving in America would still continue, Parliament also permitted the company to export tea on its own account to the colonies directly from its English

warehouses. Previously, the company had been allowed to sell its teas only at public auction in England. Thus in one stroke the new law eliminated both English middlemen and the American merchants who had traditionally bought tea from such intermediaries. As a concession to the tax-sensitive colonists, duties under the Tea Act were to be paid by bills of exchange drawn on the East India Company in London, thereby avoiding the appearance of draining specie away from the colonies. The East India Company instructed its consignees to sell bohea tea at two shillings per pound. Although this was still not low enough to undersell Dutch tea, it did trim the smugglers' profit margin from what once had been over two shillings to only sixpence per pound.³⁸

Although rumors about the Tea Act and its possible effect on prices had reached Boston as early as April 1773, the full text of the act did not appear in the Boston papers until September 17. Almost a month intervened before the next mention of the Tea Act, when a special October 14 supplement of the *Massachusetts Gazette* detailed reports of the East India Company's shipments to Boston, Philadelphia, and New York. Writing four days later in the *Boston Gazette*, "Praedicus" pointed out to the public that although the terms of the act implied that tea would be discharged of all duties, in fact the three-penny Townshend duty would still be collected in North America. In yet another article in the same issue, "XY" claimed to have seen a letter from Philadelphia promising that the tea would be destroyed if landed there. The October 18 *Boston Gazette* also identified Thomas & Elisha Hutchinson, Richard Clarke & Sons, and Benjamin Faneuil, Jr., as the three Boston firms to which the East India Company was consigning its tea. The *Gazette's* editors condemned the Tea Act as a "threat to trade" and a plan to increase "the tribute of the colonies." Thus the polemical battle was joined.³⁹

The strange lull between the arrival of the text of the Tea Act and the first public outcry against it in the papers may suggest that Thomas Hutchinson's account of the origin of the tea controversy contained more than an element of truth. In his *History of Massachusetts Bay*, Hutchinson alleged, "When the intelligence [of the Tea Act] first came to Boston, it caused no alarm." Importers, including "some of the great friends to liberty," had regularly paid the three-penny duty during the two years since the end of nonimportation. "The body of the people," according to Hutchinson, "were pleased

with the prospect of drinking tea at less expense than ever." The only discontent was among importers of tea, both legal importers from England and smugglers from Holland, who complained against "the East India Company for monopolizing a branch of commerce which had been beneficial to a great number of particular merchants." Hutchinson contended that the first suggestion that the Tea Act was a ministerial design to enlarge the revenue, and habituate the colonies to parliamentary taxes, originated in England, whereas colonial sympathizers recommended opposition and hinted that it was generally expected "the tea would not be suffered to be landed." To confirm Hutchinson's hypothesis further, we might note that although the newspapers opened battle on October 14, the merchants themselves did not meet to address the subject until November 8. The Tea Act was not initially regarded as a pressing concern.⁴⁰

From the very onset of polemical warfare in the newspapers, the patriot merchants knew that their best chance of success lay in convincing the public that the Tea Act set a dangerous precedent for government-sanctioned monopolies, which would eventually rob Americans of all their just profits. On October 14, the ultra-patriot editors of the *Massachusetts Spy* cried, "The very establishment of exclusive trading companies is an infringement of that distinguished petition of the free Briton which from time immemorial he had forced his sovereign to recognize his right to a FREE TRADE." Two weeks later in the *Boston Gazette*, "Phileutheros" speculated that if the East India Company were allowed to establish itself in America by the sale of tea, it might also "do it with equal facility, in every other article of [its] trade." Phileutheros predicted that "the company's baneful example" would soon be followed by "all the great manufacturing houses in England: So that they could not fail to engross, in a little time, the whole trade of this great and extensive continent."⁴¹

Further information linking the Tea Act to a vast conspiratorial plan to subvert American commerce came by way of an article in Philadelphia's *Pennsylvania Packet*, which was reprinted in Boston on November 22. In the *Packet*, "Casca" reviewed the increasing British jealousy of colonial prosperity and cited a recent pamphlet of political essays, which had won great praise in England by suggesting a plan whereby government-established factors would sell British goods in the colonies so cheaply that all fledgling American manufac-

tures would be immediately ruined. From its very outset, the chief goal of the patriot newspaper campaign was to convince Americans that the Tea Act threatened not only those who traded in that particular commodity but also everyone who had the least interest in the successful establishment of an independent American commerce. To accomplish this goal, no tactic was more effective than conjuring up the specter of British monopoly.⁴²

Writing as "Z" in the *Boston Evening Post*, no less a personage than Thomas Hutchinson attempted to refute the charges of putative monopoly bandied about by the patriots. He denied that the sale of tea would be solely confined to the factors of the East India Company. Public sales would continue in London for those who wished to buy tea there. (Hutchinson neglected to mention that such purchasers would hardly be able to compete with the prices of directly shipped tea.) Furthermore, Hutchinson dismissed the charge that the Tea Act was a ministerial plot to lure Americans into paying the Townshend tax on tea by offering the commodity at an irresistibly low price. Boston merchants had paid the Townshend duty for several years now, he said, and it was inconsistent to refuse to pay the tax on tea and yet regularly submit to the duties on sugar, molasses, and wines.⁴³

Hutchinson's article brought a sharp retort from "Praedicus" in the next issue of the *Boston Gazette*. The patriot writer ridiculed the governor's economic arguments and moved quickly to an ad hominem attack. "A quiet reception of the tea" would have saved Hutchinson's reputation as a colonial administrator and allowed him to petition quietly for a change of place, so that he and his posterity "might eat the bread of idleness to the latest generation," a state of affairs that Hutchinson was particularly anxious to see since "the Children," Praedicus charged, "were incapable of any considerable employment in church or state."⁴⁴

An important element of the government party's counter-attack against the patriot newspaper writers was an attempt to expose the crucial role the Dutch smugglers played in engendering opposition to the Tea Act. The consignees in both Philadelphia and New York agreed with the "Boston factor" who charged that the agitation had been "fomented, if not originated, principally by those persons concerned in the Holland trade; a trade more practised in the Southern Governments [New York and Pennsylvania] than in this way."

The extent to which the charge was popularly believed is evident in John Adams's account of his conversation with a "Connecticut Hemp Man," who solemnly affirmed that "All the Bustle and Bombast about Tea, . . . [had] been begun by about ½ doz Holland Tea Smugglers, who could not find so much Profit in their Trade, since the Nine Pence was taken off in England," a conclusion Adams termed "some Sense and some Nonsense."⁴⁵

Further compounding the patriots' embarrassment was the steady advance of the price of tea in Boston: in December 1773 it reached "the exorbitant Price of Dollar per Pound." Thus, it appeared that they opposed the landing of the East India Company's tea merely "to mask . . . Avarice with the Appearance of Patriotism" in order to maintain an artificially high price. The patriots termed such reports "false, base and injurious" and maintained that in early December there were no more than six chests of tea in the entire town; sellers profited "as little, or less than for many years past." Tea that had been sold since then in Boston had been imported solely from "neighboring governments," a practice one writer even took it upon himself to defend. This anonymous author praised "our Southern brethren whose trade is not so infested with *pirates* [customs officers] as ours" for wisely taking the initiative to import their teas only from Holland after nonimportation. Since then, he estimated, nine-tenths of the tea consumed in Massachusetts had come from Holland via Pennsylvania and New York. He hoped the supply would continue, so that "if people must drink tea, they may not *politically* at least drink damnation to themselves." The author warned readers to beware of designing Tories who attempted to portray tea imported in this way as more expensive. Everyone knew, the anonymous spokesman maintained, that smuggled tea had once been cheaper than the English commodity, and he predicted that "it will be so again when fresh supplies come in." Until that time Massachusetts consumers should continue to buy tea imported through the southern colonies because "it was and shall be cheaper, it pays no tribute, and it helps our brethren in the southern colonies as well as us."⁴⁶

The close relationship between the smugglers and the leading Whigs was a subject of frequent speculation among the partisans of the government. Boston town meetings, according to John Mein, were completely given over to "the smugglers and the seditious," although generally speaking, the illicit traders attempted to "keep out

of the fight, and present such men as [Sam Adams and James Otis] to execute their resolves." Even the more temperate Thomas Hutchinson agreed that "persons of the best character and best Estate . . . decline attending Town Meeting w[h]ere they are sure to be outvoted by men of the Lower order, all being admitted and it being very rare that any scrutiny is made into the qualifications of Voters." In the power vacuum created by the absence of the more conservative merchants from the town meeting, the Dutch smugglers found ample room to operate.⁴⁷

The most sustained attack on the interrelationships of the patriots and the illicit traders came from Daniel Leonard, writing under the pen name "Massachusettensis" in 1775, on the very eve of the outbreak of hostilities. He began with a lengthy defense of the Acts of Trade: "Trade is founded upon persons or countries mutually supplying each other with their redundancies. Thus none are impoverished [and] all enriched." The system of British trade, in particular, reflected the belief that agriculture was the natural livelihood of a thinly populated country, according to Leonard, whereas arts and manufactures were the appropriate occupation of a populous one. The great point of parliamentary policy had always been that "national trade might be so balanced and poised . . . that each part of her extended dominions might be benefitted." Thus, he concluded, "To prevent one part of the empire [from] being enriched at the expence and . . . impoverishing of another, checks, restrictions and sometimes absolute prohibitions are necessary." Throughout his defense of the Acts of Trade, Leonard relied on the evocative power of the traditional idea of the organic empire, in which all citizens worked for the common good, and he steadfastly rejected the emerging vocabulary of self-interest used by the Whigs.⁴⁸

According to *Massachusettensis*, the laws of trade were "esteemed in England as sacred" and "an estate made by smuggling . . . [was] looked upon as filthy lucre." The extensive coastline of North America, however, provided greater opportunities to drive an illicit trade, an "advantage that had not been overlooked by the avaricious." "The way to Holland and back," Leonard lamented, "is well known." Most of the tea that had been drunk in America for several years came directly from Holland; "by this," he claimed, "smugglers have amassed great estates to the prejudice of fair traders [and] . . . the East India Company." The Tea Act was passed "not with a view of

raising a revenue from the three penny duty, but to put it out of the power of the smugglers to injure them by their infamous trade.”⁴⁹

It was at this point that the smugglers turned to their old friends the Whigs for aid. “A smuggler and a whig are cousin Germans,” Leonard maintained,

the offspring of two sisters, avarice and ambition. They had been playing into each others hands a long time. The smuggler received his protection from the Whig, and he in his turn received support from the smuggler. The illicit trader now demanded protection from his kinsman, and it would have been unnatural in him to have refused it.

“Accordingly the press was set to work again,” claimed Leonard, “and the old story repeated with addition about monopolies, and many infatuated persons were once more wrought up to a proper pitch to carry into execution any violent measures that the leaders should propose.”⁵⁰ Thus was the stage set for the Boston Tea Party.

The newspaper war over the Tea Act makes clear how deeply the smugglers were involved in fomenting popular opposition to the new legislation. Even though the Tea Act actually reduced the cost of East India Company tea to consumers, the Dutch smugglers were able to persuade Bostonians that the new plan established a dangerous precedent for government-sanctioned monopolies. Whatever savings the new law afforded were purely temporary; as soon as other retailers were driven from the trade, the price would rise again. Furthermore, if the East India Company were allowed to market its products in this way, it would be only a matter of time before other would-be monopolists would seek similar privileges. Soon there would be no more independent merchants in America—or so the smugglers wanted people to believe. From their favored position in the Whig hierarchy, the Dutch traders were able to direct most of the newspaper outcry against the new law in a way that clearly reflected their self-interest.

The Boston Tea Party

The Boston Tea Party must surely be one of the most familiar events of American history, yet because much of the planning took place in secret, some aspects of it can never be adequately explained, short of

the discovery of some previously unknown source. Although Benjamin Labaree's *Boston Tea Party*, published in 1966, is generally regarded as definitive, it tends to minimize differences of opinion within the Boston merchant community over the issue of the landing of the tea. Instead of portraying the conflict as a split between rival merchant groups, as was the case in nonimportation, Labaree views the Tea Party controversy as a battle of the Hutchinsons and their friends against the united sentiment of the entire merchant community. A closer look, however, will reveal a more widespread rift, with Dutch smugglers once again playing a leading role in the battle to break the East India Company's "monopoly."

We should remember that the tea controversy began amid an atmosphere of uncertainty and confusion. Lord North, who as one of the treasury lords had signed the export license for the tea in August 1773, failed to inform Lord Dartmouth, the secretary of state, of his actions. Consequently, no colonial governor received either a copy of the Tea Act or advance notice of the tea's arrival. Hutchinson's first authoritative word of the plan came from New York governor William Tryon on November 4. The only information that reached the merchants themselves before this time was hearsay from their English correspondents and the shipmasters whom the East India Company had solicited to carry the tea. On October 14, in the midst of this misinformation, suspicion, and doubt, the newspaper campaign against the Tea Act began, as we have already noted. One week later, on October 23, the North End Caucus, a key group of patriot politicians, passed a resolution opposing the sale of any tea sent by the East India Company. The caucus numbered among its sixty members not only such politically prominent figures as Sam Adams, John Adams, and Benjamin Edes, but also nearly twenty merchants and shopkeepers, including Henry Bass and Thomas Chase, former members of the Loyal Nine (who had directed crowd action during the Stamp Act riots); Dutch smugglers William Molineux and William Dennie, both of whom had played important roles as members of the merchants' committee during the nonimportation controversy; and John Matchett, who was arraigned together with John Hancock in the *Liberty* case. To these men credit usually falls for seizing the initiative in opposing the landing of the tea. At their next meeting on November 1, the caucus summoned John Hancock and the Boston committee of correspondence to prepare with them a resolution calling on the tea consignees to resign.⁵¹

Later that same night anonymous letters were left at the homes of each of the consignees (Thomas & Elisha Hutchinson, Richard Clarke & Sons, Benjamin Faneuil, Jr., and Joshua Winslow), summoning them to appear at the Liberty Tree in the south end of town at noon the next day. The confusion that still surrounded the issue in the popular mind is evident in the following anecdote, which was reprinted in the *Massachusetts Gazette*. A man was hurrying to the Liberty Tree because he had heard that “the Men who had raised the price of Tea upon the Poor to a Dollar a Pound were to be carried there and obliged to sell as usual.” A nearby friend of the government contradicted him, claiming that the aim of the meeting was “to make those who expect to sell at half that price, send [the tea] back again.”⁵²

Those seeking a public spectacle akin to Andrew Oliver’s resignation as stamp distributor were disappointed. The selectmen, William Cooper, the town clerk, and three or four members of the House of Representatives stood idly amid a gathering crowd, but the consignees never appeared. Finally, the group dispatched a nine-man committee headed by the choleric William Molineux to seek out the consignees and demand an explanation for their failure to obey the summons of the people.⁵³

Accompanying Molineux on his expedition were William Dennie, Joseph Warren, and at least three other members of the North End Caucus. Molineux eventually found Clarke, Faneuil, and Winslow, together with Thomas Hutchinson and over a dozen other friends, at the Clarkes’ warehouse. After Molineux declared that the consignees had insulted the people by refusing to give satisfaction, and read them a paper demanding that they not receive the East India Company’s tea, Clarke retorted, “I shall have nothing to do with you.” Molineux then angrily warned the consignees that they would be treated as enemies of the people. As he and the other committee members left, the mob that had gathered outside the warehouse burst through the outer doors but was unable to break into the strong-room upstairs, where the consignees had taken refuge. One loyal justice of the peace made a futile effort to disperse the crowd but was driven away himself. After a siege of an hour and a half, the mob departed.⁵⁴

An uneasy calm prevailed until the patriots once again took the initiative by calling a town meeting on November 5. With John Hancock as moderator, the town met formally to appoint a number of

committees to renew the people's request that the consignees resign. This time, however, the delegations would have the full sanction of the town meeting, and there would be none of the questionable legality of Molineux's earlier visit. Sam Adams, Warren, and Molineux were appointed to talk with the Clarkes, while a high-ranking delegation of Adams, Hancock, Warren, and four patriot merchants (John Pitts, Samuel Abbott, Nathaniel Appleton, and William Powell) were dispatched to Milton to call on Thomas and Elisha Hutchinson at the governor's country seat. Faneuil, the Clarkes, and Joshua Winslow returned the answer that they were unable to resign because they still did not know the terms under which they were to receive the tea. When a similar response came back from Milton, the town condemned the consignees' letters as "daringly affrontive."⁵⁵

Before the patriots in the town meeting could proceed further against the consignees, they had to deal with new opposition from an unexpected quarter. A handbill entitled "The Tradesmen's Protest against the Proceedings of the Merchants" denounced the meeting as illegal, subversive, and tending to create a tumult. Further, it warned that after all, the merchants who had repeatedly "imposed upon" the tradesmen were now proposing to stop the importation of East India Company tea at half the usual price. One patriot at the meeting alleged that he had seen Charles Paxton, everyone's favorite villain, distributing the handbills. Although Paxton later swore that he had never had more than one copy of the "Protest" in his possession, the nearly four hundred tradesmen attending the town meeting were assigned to meet in a separate corner of the hall, where they subsequently disavowed the handbill. Whoever the authors of the handbill might have been, it contained information which threatened to reveal just how much some patriot merchants had at stake in opposing the landing of the tea.⁵⁶

Having failed to obtain the willing resignation of the consignees, the patriots now resorted to mass intimidation. On November 12, lieutenant governor Andrew Oliver received a report that the consignees would be attacked that night. Although no attack ever materialized, the arrival from London on November 17 of Jonathan Clarke, the youngest partner of Richard Clarke & Sons, touched off another popular demonstration. Although Clarke had secured the valuable tea concession for his family, he himself would not have been so offensive except that he brought definite news that the tea ships

were already on their way across the North Atlantic. That evening a crowd of one to two hundred gathered outside the Hutchinsons' home. Finding that the governor was not there, they proceeded to Richard Clarke's house, where their noise interrupted a genteel welcome-home celebration for Jonathan. When the crowd threatened to attack the house, one of the Clarke sons discharged a pistol, which had the opposite of its intended effect: the mob attacked with redoubled fury, breaking windows with bricks and beating in the doors. The Clarkes resisted for over an hour before some members of the crowd proposed a compromise: they would disperse if the consignees would agree to attend the town meeting scheduled for the next day. Although the Clarkes would make no promises, their assailants drifted gradually away.⁵⁷

The town meeting on November 18 was called, according to Thomas Hutchinson, "for the sole purpose of inquiring of the consignees whether they were [now] prepared to give a definitive answer" to the town's demands. Patriot leaders were convinced that detailed instruction for the sale of the tea must have arrived the day before with Jonathan Clarke. Although the consignees were still unclear about some of the details of their arrangement with the East India Company, they informed the town that bonds given by friends in England on their behalf "put it out of their power to comply with the request of the town." Immediately upon receiving this information, the town meeting dissolved without comment, an action that, according to Hutchinson, "struck more terror into the consignees than the most minatory resolves."⁵⁸

Now thoroughly terrified, the consignees petitioned the governor and Council that same evening to take the tea into their protection until further instructions could be received from the East India Company. Embarrassed by the request, the patriot-dominated Council referred the issue to the governor, who was in the country and knew nothing about it until the next morning. Hutchinson summoned the Council on November 23, demanding their advice, as was his right under the charter. Now confronted squarely with the issue, the Council adjourned to prepare an answer. After nearly a week of temporizing, they finally rejected the petition of Clarke and the other consignees and condemned the Tea Act as "introductive of monopolies and . . . the extensive evils arising" from them. But the Council's great objection to the Tea Act, they insisted, was that it was

“manifestly intended . . . more effectually to secure the payment of the duty on Tea.” Their decision embodied what Hutchinson identified as the prevailing sentiment among “gentlemen of influence and the greater part of the Merchants, who though in general . . . declare against mobs and violence, yet they as generally wish the Teas may not be imported.” Unsupported by his Council, the melancholy governor was left hoping the tea ships would arrive first at any port but Boston.⁵⁹

The crisis was at hand sooner than anyone would have wished. On Sunday, November 28, the first of the tea ships arrived. It was the *Dartmouth*, captained by James Hall and owned by Joseph Rotch & Son, the Nantucket merchants who had so flagrantly violated Boston’s nonimportation resolves in 1769–1770. Hall brought his vessel into the inner harbor and filed a report of his cargo at the customs house despite pressure from a committee headed by William Molineux. The captain made no effort, however, to unload the controversial tea. Both the selectmen and the Boston committee of correspondence were busy throughout the day on Sunday. In an effort to avert violence, the selectmen summoned a town meeting for the next day, while the committee of correspondence spread the alarm to the surrounding towns.⁶⁰

On Monday, November 29, nearly five thousand inhabitants of Boston and the surrounding towns, a group better termed “the Body” than a town meeting, crowded into Faneuil Hall at the appointed time. Most of those in attendance fully expected that the tea would be returned, but as the consignees later pointed out, that was a legal impossibility. To return the tea to London would render both the ship and cargo liable for seizure under laws that forbade the reimportation of tea into England. Once the tea had been reported at the customs house in Boston, the owners had twenty days to unload it or else it would be liable for seizure on this side of the Atlantic as well. While the citizens debated this irreconcilable problem, the sheriff arrived with an order from the lieutenant governor for the meeting to disperse. The command was duly ignored, and the inhabitants resolved to establish a military watch over the tea to prevent its clandestine landing.⁶¹

On November 30, the Body met again to hear a proposal from all the consignees, except Thomas & Elisha Hutchinson, conceding that they were willing to store the tea in a government warehouse,

but that they could not consent to its return, which would mean their financial ruin. The assembly rejected the proposal, fearing that the consignees would find some way of secretly removing the tea from storage as the Hutchinsons had done during the nonimportation controversy. Next the meeting appointed a committee—composed of Sam Adams, John Hancock, William Phillips, John Rowe, and Jonathan Williams—to communicate the proceedings at Boston to their fellow patriots in Philadelphia and New York. Later that week, on December 2, the Body resolved that the tea would never be landed in Boston; the chief speakers in favor of the motion were Adams, Molineux, Thomas Young, and Joseph Warren.⁶²

As the tension continued to build, most of the consignees took refuge in Castle William. The public mood was so hostile that at one point even Hutchinson himself considered doing the same. According to one observer, it would have “puzzle[d] a person to purchase a pair of p[isto]ls in [the] town, . . . they are all determined to repell force by force.” The atmosphere continued tense as both sides waited, Hutchinson hoping that the peaceful landing of the tea at some other port would set a precedent for Boston, and the patriots yearning for some concession from the governor that would enable the tea to be returned, which for them was the only acceptable solution.⁶³

As the twenty-day time limit neared expiration, the patriots renewed their pressure. On Tuesday, December 14, the Body met again with Samuel Phillips Savage as moderator. They ordered young Francis Rotch, a junior partner in his father’s firm, to demand from Joseph Harrison, the port’s collector, a clearance that would legally allow the *Dartmouth* to depart. The aged Harrison, never a man of particularly strong character, begged for more time to consult with the comptroller before making a decision. He promised, however, that he would reply the next day. On Wednesday, Harrison finally refused, but the delay gave Hutchinson time to send a message to Admiral John Montagu, advising that the ship might attempt to escape the harbor by some passage other than the main channel adjacent to the castle. That Thursday, Rotch was again dispatched to demand permission for the ship to leave Boston, this time from Hutchinson, who in his capacity as commander-in-chief could issue a special permit allowing the *Dartmouth* to pass the castle in safety. Hutchinson refused.⁶⁴

When Rotch returned from the governor's house in Milton, it was well after dark. As the rumor spread that Rotch had failed in his mission, some patriots called for a mob, while John Rowe was heard to mutter cryptically that perhaps tea would mix with salt water tonight. Young Rotch told the Body, whose members packed the galleries in Old South Meeting House, that even though the twenty-day deadline was due to expire on the morrow, he would make no effort to unload the tea unless the authorities compelled him to do so. Sam Adams then remarked that it appeared there was no more any man could do to save his country. At that point, as if by prearranged signal, a war-whoop went up from the balcony and a group of men dressed as Indians mysteriously appeared at the doorway. Within three hours, 340 chests of tea, worth nearly £9,000, had been emptied into Boston Harbor.⁶⁵

The Aftermath

It is safe to say that the destruction of the tea caught most observers completely by surprise. According to patriot sources, it was the universal desire of both the leaders and the people to preserve the tea untouched for the East India Company. Even Thomas Hutchinson later wrote that "all this time nobody suspected they wou'd suffer the tea to be destroyed there being so many men of property active at there [sic] meetings as Hancock Phillips Rowe Dennie and others besides the Selectmen and the town Clerk." Surely such people would not leave themselves open to suits for damages. Against the weight of this evidence, only the testimony of selectman John Scollay stands out. Scollay claimed in a letter to Arthur Lee that both the selectmen and the consignees realized that the consignees' refusal to return the tea would result in its destruction. Because the selectmen had not met with the consignees since they departed for the castle on December 1, this would mean that the destruction of the tea had been considered as an option for at least two weeks before it actually took place. Rowe's comments about tea mixing with salt water also indicate some foreknowledge of the plan, and Hancock's conspicuous absence from the public proceedings on the night of the Tea Party suggests that the highest circles of the patriot leadership were well aware of what was going to happen. Even if the final decision to destroy the tea was not made until the night before by the Boston committee of

correspondence, as Benjamin Labaree suspects, some patriot leaders must surely have discussed the plan.⁶⁶

An examination of the alleged participants in the event, although highly conjectural, points to radical merchants with close connections to the committee of correspondence as the instigators of the Tea Party. A host of people have been named as possible participants, but the only merchants about whom there is general agreement are William Molineux, "the first leader in dirty matters" and himself a member of the committee of correspondence; Lendall Pitts, whose brother was on the committee; and Henry Bass, a long-time member of the North End Caucus and the Loyal Nine.⁶⁷

Whatever the actual extent of merchant involvement in the Tea Party, most were quick to deny any knowledge of it. John Hancock wrote his London correspondents Hayley & Hopkins that they would have to get particulars of the incident from his captain, James Scott, because he himself was not well enough acquainted with the event to give them the least detail. John Rowe even went so far as to write in his diary that he was unwell on December 16 and stayed home all day and evening, even though several sources mention his presence at the Old South Meeting House. After supplying a brief outline of the events for the record, Rowe added that he was "sincerely sorry" and could truly say he knew nothing of the matter, nor who was concerned in it. As a part owner of the second tea ship, he must have been greatly relieved, however, to need no longer risk his vessel by returning the tea. Nevertheless, his efforts to cover his traces came too late, because Hutchinson in letters to England had already noted Rowe's renewed activity among the patriots. Rowe had always been a trimmer, shifting from side to side according to whatever seemed popular or profitable. Still, the governor thought Rowe would have known better, particularly since earlier that year he had been soliciting the naval supply contract as well. The general tendency throughout the patriot camp was to assign the blame to Hutchinson, whose obduracy had prevented the tea from being returned, as it eventually was from Philadelphia and New York. In fairness, it must be admitted that Hutchinson certainly did nothing to defuse the crisis.⁶⁸

Although Thomas Hutchinson feared that the destruction of the East India Company's tea would lead to a marked increase in the consumption of Dutch tea, Boston's principal dealers in the herb met

within a week of the Tea Party and eventually adopted a proposal suspending all sales of both English and Dutch tea after January 20, 1774. Since all agreed that their collective welfare depended on the repeal of the Tea Act, they also pledged themselves not to purchase or receive tea until the January 20 deadline took effect. In order that those attending the meeting would not be left to carry the whole economic burden of the boycott, a committee was formed to secure the compliance of all townspeople who dealt in the commodity. The results of the subscription are revealing. Of the ninety-eight firms to whom the committee applied, only fifty signed. Seventeen moderates said they were for quitting the sale of all tea, but did not sign. This group included such prominent merchants as the Amorys, Gilbert Deblois, Henry Lloyd, and, surprisingly enough, William Phillips. It also included some strong government party men: Theophilus Lillie, William Hyslop, and William Burton. Eleven more said they would drop the sale of tea only if the agreement became general, and nine advocated banning only the sale of dutied tea. Not surprisingly, this last group comprised a number of smugglers, including Solomon Davis and Thomas Walley. Four refused to give any satisfactory answer, and seven managed to elude the committee. The concentration of future Loyalists among these last two groups was particularly high. After their experience with nonimportation, Boston merchants were much more cautious and more sharply divided over the adoption of further boycotting schemes.⁶⁹

Involvement with the loathsome herb continued to be a source of embarrassment to a number of prominent Whigs throughout early 1774. Rumor had reached New York that John Hancock had been one of the principal importers of tea at Boston ever since the collapse of the nonimportation agreement, a charge allegedly supported by a list taken from customs house books. Although Hancock was ill, William Palfrey, his assistant, quickly inquired into the story, only to find that the list contained the names of owners of ships on which tea was imported, and not the importers themselves. The owners of the brig *Fortune* (Thomas Walley, Peter Boyer, and William Thompson) were not so lucky. Although they had given orders to sell their brig in England and under no circumstances to load it with East India Company tea, the vessel returned with sixteen chests of privately owned tea consigned to Henry Lloyd. Lloyd's correspondent had erroneously assumed that the people objected to the importation of tea

only because of the East India Company's monopoly and had therefore concluded that private shipments would still be permitted. Lloyd was forced to publish a public advertisement disclaiming any culpability, and the offending tea was thrown into the sea.⁷⁰

Despite these scattered incidents, a dead calm succeeded the political storm of the Tea Party in Boston. According to William Palfrey, "Our Political Machine seems at present to be still. The Destruction of the Tea has left us little to do or say." The colonists began a long waiting period while word of the Tea Party crossed the wintry North Atlantic. Various people still tried to second-guess the ministry and predict what Britain's response would be. An angry Governor Hutchinson threatened dire consequences and threw out hints that reprisals would be made against the interests in England of Hancock, Dennie, and the other rich ringleaders. On the patriot side, Sam Adams warned that if Britain did not return to principles of moderation, the separation and independence of all the colonies might result.⁷¹

The destruction of the East India Company's tea forced a final confrontation. Parliament could hardly permit such lawlessness to go unrebuked, nor could the patriots quietly retreat from the logical implications of their actions. Subsequent events, until the outbreak of hostilities a year later, might appear to have an air of tragic inevitability, but it is well to remember that in 1771 the road to independence had been far from clear. Following the breakdown of the nonimportation agreement, patriot leaders were badly divided, Boston's trade still labored under all the old difficulties that the boycott of British goods had been designed to correct, and merchants were far from certain that the profits of unrestricted trade would outweigh the benefits of empire. Although a few patriot spokesmen argued that Britain could best enrich its coffers by allowing the unrestrained pursuit of self-interest, government party arguments couched in the metaphor of the organic commonwealth still retained great evocative power.

The credit crisis of 1772 helped disabuse American merchants of the belief that they were truly free from the leading strings of the British economy. A chain of bankruptcies in England prompted London merchants to pressure Americans to pay their long-overdue debts and to curtail the lavish amounts of credit that had fueled colo-

nial economic growth. Searching out scapegoats of their own for the hard times, Boston merchants focused their resentment on the auctioneers, whose extensive sales undercut their own efforts to retail British manufactures.

Dutch smugglers faced an additional threat when the Tea Act of 1773 reduced the cost of English tea in North America to a level roughly comparable to their own. Formerly, the smugglers had enjoyed wide profit margins and the protection bestowed on them by the patriots' continuing refusal to pay the three-penny Townshend tax on tea. If they were to retain their privileged position, the smugglers needed to find a way to convince American consumers to resist the lure of less expensive tea. Eventually they hit on the argument that Parliament's plan to allow the East India Company to market its tea directly in the colonies established a dangerous precedent for government-sanctioned monopolies. Soon all British manufacturers would seek similar dispensations, they warned; the native American merchant would be a thing of the past, and American consumers would be paying higher prices than ever before. Anti-monopolistic arguments permeated patriot newspaper writing throughout the tea controversy. American resistance to the Tea Act was not just ideological; it had an economic foundation as well. If Parliament and the East India Company were allowed to succeed, Americans would be forced to relinquish forever any claims to commercial autonomy.

Past accounts of the Tea Party suffer by portraying the conflict as a battle between Hutchinson and the consignees on one hand and the united sentiment of the merchant community on the other. Such a view passes over the leading role played by Dutch smugglers in developing the anti-monopolistic argument. Antipathy to the Tea Act developed only gradually as the smugglers successfully convinced more and more merchants that the East India Company's plan established a dangerous precedent. That not all merchants were persuaded is indicated by the lukewarm reception of proposals to suspend sales of tea after the Tea Party took place. Admittedly, some of those who were reluctant to sign wanted to continue to sell smuggled tea, but this accounts for the behavior of only nine of the fifty who refused to put their signatures on the document. The remainder included traditional moderates like the Amorys and the more cautious who had learned during the nonimportation controversy not to sign any subscription until the boycott became general. Thus, a signifi-

cant minority of merchants were not in sympathy with the patriot plan. An even larger group recoiled from the use of violence and the destruction of private property as legitimate means for effecting public policy. These men would take their stand in the months ahead as Boston began to debate how to respond to the punitive legislation passed by Parliament in the wake of the Boston Tea Party.

6.

The Clouds of War: Boston Merchant Politics from the Passage of the Boston Port Act through the Siege of Boston



Dumping the East India Company's tea into Boston Harbor had indeed precipitated the "perfect crisis." Parliament could not easily countenance the wanton destruction of private property, nor could the patriots back down from their commitment to render the Tea Act a dead letter. When the severity of the Coercive Acts passed in response to the Tea Party became known in Massachusetts, many merchants favored making restitution for the East India Company's losses as the only means by which Massachusetts could avoid commercial ruin. The Whigs, on the other hand, proposed that Parliament could be made to repent if all the colonies were to join in a comprehensive plan of commercial nonintercourse with Great Britain and the West Indies until the Boston Port Act was repealed.

The battle over the two plans proved to be the most critical challenge to patriot dominance in town affairs since the demise of the nonimportation agreement in 1770. Those in favor of paying for the tea included many of the victims of patriot efforts to enforce the nonimportation agreement, nearly all the Scottish and foreign-born merchants, and persons with close ties to the Hutchinson–Oliver clan or

other members of the government hierarchy. Dutch smugglers and those who had been active in resisting the landing of dutied tea could not readily reverse themselves now that the consequences of the Tea Party were clear. Therefore, the two sides in the town meeting resembled the traditional alignment of patriots and government party men that had been familiar since the last days of the nonimportation agreement—except for the defection of a sizable minority of moderate patriot merchants who favored making restitution for the tea.

Once defeated in the town meeting of June 28, 1774, however, government party advocates proved powerless to influence the seemingly inevitable drift toward war and independence. Successful lobbying by the Massachusetts delegation led to the eventual formation of the Continental Association in October 1774, which gave Boston's nonintercourse plan the force of de facto law throughout the thirteen colonies. But instead of repealing the Boston Port Act, Parliament enacted more punitive legislation. As a result, Massachusetts became an armed camp, and hostilities broke out—to the surprise of few—on April 19, 1775. Immediately after the battles of Lexington and Concord, nearly all patriot merchants fled the city, leaving behind much of their stock-in-trade and nearly all their personal possessions. Of those who chose to remain in the besieged town, few failed to become Loyalists, embarking with the British fleet at the evacuation of Boston in March 1776.

The Boston Port Act

News of the Boston Tea Party reached London on January 20, 1774. On January 29, the ministry initiated a series of meetings to devise an appropriate response to this latest colonial outrage. By February 19, they had decided on a bill that would close the port of Boston until the East India Company was reimbursed for its losses. The Boston Port Bill was introduced on March 14 and passed quickly through to its third and final reading on March 25. By March 28, it had passed the House of Lords, and on March 31, it received the royal assent. Opposition had been surprisingly light. Alarmed by the destruction of private property, most of the London business community had turned against the Americans. The only exception was a group of sympathetic North American merchants, headed by the firms of Champion & Dickinson, Hayley & Hopkins, and Lane, Son &

Frazier, who on March 18 offered £16,000 (far more than the tea was worth) if Lord North would allow them six months to settle with the town before closing the port. North rejected the offer, and without further support from the London merchants, the North American agents were powerless to prevent the passage of the bill.¹

By late April, Bostonians knew the response to the Tea Party would be severe unless the East India Company were paid for the tea. News of the impending legislation "at first seemed to strike the people with consternation," according to Thomas Hutchinson. Real estate values in Boston plummeted, and American merchants found it increasingly difficult to secure credit abroad. Nevertheless, the leaders of the patriot party "discovered a more determined spirit than ever," declaring that they would "submit to the last extremity" rather than pay the sum demanded. Thus the town was prepared for the worst when, on May 12, the papers printed the text of the Boston Port Act, stipulating that the harbor would close officially on June 1, although a fourteen-day grace period would be allowed for ships to complete their lading before departing with the town's last exports.²

The Boston committee of correspondence quickly transmitted the news of the Port Act to friends in other colonies. Their circular letter claimed that the chief object of the legislation was to divide the Americans by making distinctions between Massachusetts and the other colonies. The Bostonians even predicted that Parliament would repeal the Tea Act and ease some of its commercial restrictions for all the other colonies except Massachusetts. "The single question," averred the committee of correspondence, is "whether you consider Boston as now suffering in the common cause & sensibly . . . resent the Injury and Affront offer'd her." If so, the other colonies should suspend their trade "with Great Britain, at least." The committee outlined what was to be the major preoccupation of Boston patriots during the next four months: the only way Boston could be saved from certain impoverishment was to convince the other colonies to join in a comprehensive plan to cut off all trade with Britain. At the very least, Boston would not suffer alone; at best, Parliament might be forced to repeal the coercive legislation.³

The other colonies initially appeared receptive. Henry Bromfield wrote to his correspondents in London that "N York immediately upon hearing our fate & before our Express reach'd them dispatch'd a Messenger to us wth the Same Proposals that we [had] made

to them & . . . assure us that they look upon their Fate to be united wth ours. . . . The People here seem determin'd to assert Their Rights." He also warned that the stoppage of trade would affect remittances and that London merchants would soon find their interest in Boston "exceedingly precarious."⁴

Before the Boston patriots could accomplish effective inter-colonial cooperation, they needed to unify opinion within their own town concerning commercial policies. The patriots quickly rail-roaded through the town meeting a motion suspending trade with Great Britain and the West Indies. The merchants, however, balked at the prospect of terminating so large a part of their trade. Many refused to sign the subscription list supporting the town's resolves. Even though the Boston Port Act would close the harbor, a variety of merchants still intended to carry on trade through the neighboring ports of Salem, Plymouth, and Providence. To force the merchants' compliance with nonimportation, the patriots would once again find it necessary to appeal directly to the people.

On May 13, the same day the new governor, General Thomas Gage, arrived, the Boston town meeting formally adopted a resolution calling on the other colonies to suspend their trade with Great Britain and the West Indies. "Our business," declared Sam Adams, "is to make Britain share in the miseries which she has unrighteously brought upon us." At the same time, the meeting also appointed John Rowe, William Phillips, Thomas Boylston, Joseph Warren, John Adams, Josiah Cushing, Henderson Inches, William Molineux, and Nathaniel Appleton as a committee to consider various courses of action that the town might take. With Rowe, Boylston, and Molineux as members of the committee, the smugglers were well represented. Fervent patriots Oliver Wendell, Isaac Smith, William Dennie, William Powell, and John Pitts were also dispatched as another committee to confer with nearby Salem and Marblehead. Moderates made an effort to recapture control of the town meeting when John Amory advanced a proposal for a subscription to pay for the tea. George Erving, the former smuggler—now turned government party man after his sour experiences with nonimportation—even offered to put down £2,000 if others would join him. Amory and his friends lost the motion; the only moderation shown by the town meeting that day was the decision to reject a proposal stopping payment on all debts to England, a tactic most people still regarded as dishonorable.⁵

Harrison Gray, who attended the town meeting, contends that it was the general sense of the people present that the tea ought to be paid for, but that the patriots, not wanting to risk a vote on the issue, raised a variety of technical objections to the plan: the town did not have the authority to spend money for such purposes; it would require a special act of the General Court; or perhaps it was better, they suggested, to wait until a congress of all the colonies might be called to consider the matter. It was Gray's opinion that the town had authorized the delegates to the congress only to consult on how restitution for the tea might be made; thus the delegates chosen by the General Court in mid-June exceeded their authority when they concerted further measures of resistance with the representatives of the other colonies at Philadelphia. Gray's interpretation is difficult to square with the other resolutions the town passed that day. If the Bostonians truly intended to pay for the tea, why would they pass resolutions advocating another suspension of trade and send committees to nearby seaports to urge their cooperation? Gray, the province treasurer, who had begun the 1760s as a close ally of the pro-Barons faction, had now come to view the patriots' conduct with different eyes. Although he had no scruples about associating with smugglers, he, like many others, had been shocked by the extralegal committees and coercive methods that the patriots had used during the nonimportation controversy.⁶

As the June 1 deadline rapidly approached, Bostonians glumly prepared for the closing of the harbor. "Dejection [is] imprinted on every countenance we meet in this once happy, but now totally ruin'd town," wrote John Andrews, a consistent moderate among the patriot merchants. On May 30, Richard Lechmere, a distiller and government party sympathizer, predicted that closing the harbor the next day would put a stop to the employment of every mechanic, lead to the total stagnation of all kinds of business, and render nine-tenths of the inhabitants utterly miserable. What made matters worse, according to Lechmere, was that he did "not see the least disposition among our vile Sons [of Liberty]" to curb their madness and take any positive "steps to relieve our distress." The only heartening sign he saw was that the government party had seized the occasion of Thomas Hutchinson's impending departure for England to make a show of strength.⁷

The presentation of loyal and flattering addresses at the ar-

rival and departure of royal governors had been a long-standing tradition in the Bay Colony. For a group of merchants to address Thomas Hutchinson on the occasion of his departure for England would have been nothing unusual had it not been for his extraordinary role in forcing the tea crisis to its unhappy conclusion. Furthermore, many Bostonians suspected that the sole purpose of Hutchinson's trip was to consult with the ministry about further measures for the suppression of American liberty. Under these circumstances, signing a farewell address to the departing governor became an unmistakably political act. On such occasions addresses were usually presented separately by professions; merchants, lawyers, physicians, and clergymen of various denominations each framed their own speeches. But because the address to Hutchinson not only included some very flattering language concerning his wisdom and temperance as governor but also acknowledged the justice of Parliament's demand for restitution for the tea, the friends of government had a hard time finding merchants willing to sign the address. Sam Adams noted with satisfaction that "the most intelligent & respectable merchants among those who have been reputed Tories have refused to sign it." Thus, when the address was presented on May 28, it came not from the merchants alone, but from 123 "merchants and other gentleman."⁸

The patriots pounced on this opportunity to misrepresent the signers "as persons of no note or property, as mean base wretches, and seekers that had been sacrificing their country in adulation" of Hutchinson. They even published a broadside that allegedly listed the names and occupations of each of the signers. The patriots' list noted only twenty-seven merchants and thirty-six "traders," or businessmen of humbler status. Most subsequent historians have taken the list at face value and assumed that the addressers represented a very small portion of the merchant community. Actually, the list is satirical, belittling the occupations of most of the signers. Thus John Winslow, a respectable brazier, becomes an "iron dealer," and Benjamin Davis, who had broken his partnership with his brother Edward (a member of the committee of correspondence) during the nonimportation controversy, is reduced to a "huckster." Lewis Deblois, one of the wealthiest of the addressers, surely ranks as more than a "shopkeeper," and William Taylor, the patriots' old enemy from nonimportation days, deserves a more dignified label than "a dealer in small wares." Actually, if a merchant is defined as any-

one involved in importing and exporting goods, eighty-one were on the list.⁹

It is true, however, that although the concentration of future Loyalists among the merchant signers was extremely high (only four of the seventy-nine who were alive at the time of the Revolution failed either to emigrate or to join the British forces), several of the wealthy moderates, whom Adams would have called Tories, failed to sign the address, most notably the Amorys and the Grays. It is also true that the signers included many outsiders: over one-third of them had no direct association with the Boston business community at all. Likewise, the address had attracted the signatures of many non-native factors, whom most Boston merchants did not really regard as part of their own group. "Massachusettensis" made the best defense of the addressers:

There were some of almost all orders of men among these addressers, but they consisted principally of men of property, large family connections, and several were independent in their circumstances, and lived wholly upon the income of their estates. . . . Some indeed might be called partizans, but a very considerable proportion were persons that had of choice kept themselves at a distance from the political vortex.

During the town meeting, Harrison Gray claimed that among the addressers were one hundred men "equal in wealth to any other Hundred in the Town of Boston," an assertion later ridiculed by Sam Adams, who said that he "could point out half a score of Gentlemen in Town" (presumably Hancock, Rowe, Dennie, Phillips, etc.), who could purchase the whole lot of the signers. Although Adams was exaggerating, it was probably true for the patriots, at least, that the addressers did not represent the heart of the merchant community.¹⁰

The 123 addressers constituted almost a tenth of Boston's voting population, and therefore a significant minority, but because so many new people were brought in, the patriots were suspicious of the methods used to induce them to sign. Samuel Phillips Savage, the retired insurance broker who had presided at the town meeting preceding the Tea Party, wrote, "It must be remembered that in no Town in this extensive continent" did the government possess such ample resources for bribery and corruption. (The American commissioners of customs had made their headquarters in Boston, and large

contingents of the army and the navy were now stationed in the town.) "The Ministerial Chest [provides] admirable manure to cultivate Toryism," observed Savage, "and the man who has not virtue enough to withstand ye Bribe, may easily be ensnared. . . . Every measure to widen the Bottom of Administration has been used and every Attempt however dirty & venal to suppress the Ardour of the Fr[ien]^{ds} of Liberty, practised." Still, Savage calculated that nine or ten out of every twelve Bostonians remained loyal to the patriot cause.¹¹

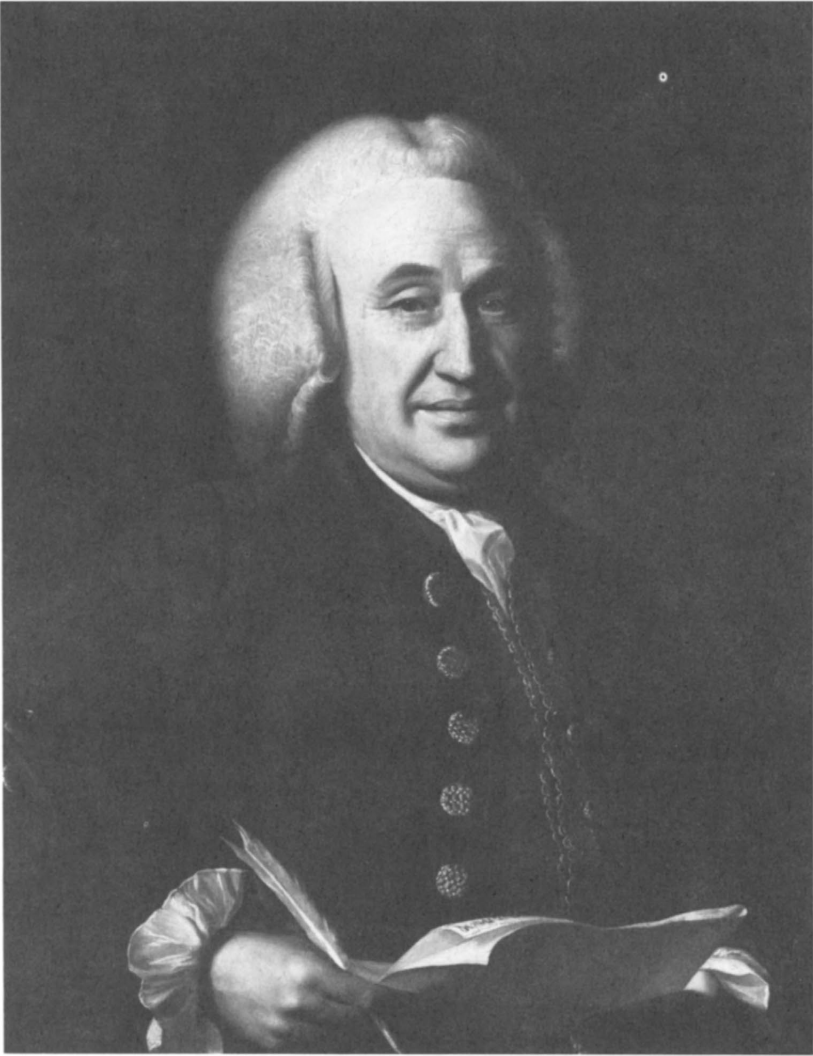
As far as the patriots were concerned, the farewell address could not have come at a worse time. Just as Boston was attempting to persuade the other colonies of the necessity of adopting a comprehensive plan of commercial nonintercourse with Britain, the town could ill afford any show of disunity. Therefore a full meeting of the Merchants and Traders (notably not the BSETC) was called to disavow the address. Lest the addressers be assumed to represent the entire merchant community, the committee of correspondence in its letter to New York was quick to characterize them as "worthless wretches capable of . . . any degree of prostitution." The committee also tried to cast recent events in Boston in a more favorable light; "We have had large Meetings of both the Town & the Trade," they wrote, and the committee for obtaining "subscriptions for countermanding and withholding Orders to Great Britain [has] had great Success . . . , notwithstanding the most daring and zealous opposition." (A group almost identical to the addressers to Hutchinson had dared to present yet another address only one week later, this time welcoming Governor Gage.)¹²

The addressers to Hutchinson and Gage saw their action as an effort to provide a rallying point for the friends of government. Alarmed by the increasing radicalism of the patriots that had led to the destruction of the East India Company's tea, these men sought to resist what seemed to them to be a relentless slide toward anarchy. The patriots, on the other hand, perceived a continent-wide nonimportation agreement as their only hope in avoiding commercial disaster. Unless other colonies joined with them in resisting the new legislation, the Boston Port Act would render their town a mercantile wasteland. Unable and unwilling to renounce their earlier actions, the patriots were thus committed to a widening pattern of resistance.

The Solemn League and Covenant

Faced with the seemingly revived opposition of the Tories and the unwillingness of many merchants to adopt another boycott, the Boston committee of correspondence decided on an extraordinary step. On the first Wednesday in June 1774, the committee determined to appeal directly to the people by circulating a nonconsumption agreement of its own, independent of the merchants and the town. The document, known as the Solemn League and Covenant, obliged its signers not to purchase any British goods after August 31 and to cut off commercial intercourse with all persons who continued to import or buy such commodities themselves. By first secretly circulating the Solemn League and Covenant among the country towns, the committee of correspondence hoped to present Boston merchants with a *fait accompli*: with no one to purchase their goods, all the merchants' importations would be pointless. The committee claimed that they would never have taken such an unusual step had they not been convinced that "the Trade will forever be divided when a sacrifice of their interest is called for." They believed that "by far the greater part of the merchants of this place are & ever have been steadfast in the cause of their Country; but a small Number may defeat the good intentions of the rest"; therefore, they had decided to take matters into their own hands.¹³

Although the June 13 *Boston Gazette* attempted to portray the Solemn League and Covenant as the spontaneous creation of the country towns, word was already circulating about who the true initiators of the scheme were. John Andrews, a moderate patriot, condemned the committee for their "*cursed* zeal." Animosities were now running more virulent than ever, according to Andrews, with "each party charging the other as bringing ruin on their country." Harrison Gray accused the patriots of persuading clergymen to be the first to introduce the covenant in the country towns and to place the document on the communion table for their parishioners to sign; one minister, according to Gray, "told his people that they who refused to sign were not worthy to come to that table." Unless some expedient could be found for opening the port (and Gray and Andrews regarded paying for the tea as the only viable option), Massachussets would experience that worst of all evils, a civil war. According to Andrews, most of the merchants favored indemnifying the East India Company, and he blamed "those who have governed the town for years



Harrison Gray, by John Singleton Copley. Courtesy of the National Gallery of Art.

past" as being in "great measure the authors of all our evils" because of their obstinacy and injudicious conduct.¹⁴ The immoderate language shows that both sides believed they were battling for Boston's commercial survival. Characteristically motivated by short-term economic considerations, the government party merchants thought only about reopening the port as quickly as possible. The patriots, on the other hand, were willing to forgo the temporary losses that another nonimportation agreement would inevitably entail in order to accomplish the long-term goal of securing greater commercial autonomy.

Both moderates and Tory addressers joined together in a campaign to block the circulation of the Solemn League and repudiate the actions of the committee of correspondence. A letter written by "X" in the pages of the conservative *Massachusetts Gazette* opened the assault on June 16. According to X, the merchants of Boston were understandably loath to commit themselves to nonimportation without knowing what the other seaport towns would do. But even though it looked as if no other major city would join Boston in a nonimportation plan, the committee of correspondence had still pushed forward an agreement not to purchase British goods. "I know," X commented, "it is said that if the merchants will not do anything to save their country, the people must save themselves. . . . But are the merchants . . . to be proscribed and ruined because they cannot bring the other ports to join them in the plan proposed?" He could not see that any benefit would result to the community from stopping only the merchants' business, which would annihilate both the remaining trade of the town and the private property of some of its wealthiest citizens. "I am still willing to lose my little All in defense of constitutional freedom," X declared, "but give me leave to be tolerably sure of success before I offer up the last sacrifice." He concluded by charging that the committee had usurped its authority by circulating the Solemn League and Covenant, particularly since the group had been established two years previously merely as a temporary expedient and had never disbanded. Thus, X articulated the sentiments of a number of moderates within the merchant community.¹⁵

One week later an unnamed correspondent in the *Massachusetts Gazette* seconded X's opinions. A stoppage of trade would only hurt the Boston merchants, he argued, since fall orders had already been executed. According to the anonymous correspondent, the body of merchants had agreed that those who had signed the cove-

nant would not be held to it since the other colonies had not adopted it as well. To hold the Boston merchants to their promise would only mean forbidding them the profits of exportation while foreigners took over the trade.¹⁶

The unnamed writer in the *Massachusetts Gazette* followed up his statement with a number of queries about the Solemn League. Wouldn't it have been better if merchants had been able to sell off their stock before they were forced to turn to husbandry or manufacture? Wouldn't depriving merchants of their livelihood in this way prompt many not to sign the covenant? Wouldn't the loss of profits from the sale of fall goods render the merchants less able to help the poor during the coming winter now that the port was closed? The same writer further queried "whether it would not have been more just and generous to have given the Merchant fair warning and not kept the Plot out of Sight till it was out of his Power to Countermand his goods." Why be unfair to merchants who ordered goods long before trouble was expected, and why deprive merchants of the benefit of the sale of their goods in other colonies? How could merchants who ordered the goods, countermanded them, and then reordered them (after the other colonies failed to join in the agreement) maintain any honor with their correspondents in England? The writer concluded by denouncing the covenant as "unjust and arbitrary" while not promoting the cause of freedom; he pleaded that nonconsumption be delayed until November 1.¹⁷

The patriots could not long let such criticisms remain unanswered. Writing as "Candidus" in the *Boston Gazette* on June 27, Sam Adams charged that the merchants' decision to renege on their earlier promises of nonimportation was "unbecom[ing] [in those] whose peculiar Circumstances rendered it their duty to stop their trade to Great Britain the moment the Port Bill reached the Shore." Adams continued to defend the covenant as the spontaneous creation of the country towns, who then "pressed the Boston committee to have it digested, printed and recommended throughout the Colony." Spring, summer, and fall importations, he argued, "are in the end not worth an Oyster Shell." He chided the merchants for worrying about the loss of trade to other colonies, when these same colonies were already supporting Boston with their charitable donations for those put out of work by the closing of the harbor. If there was anything wrong with the Solemn League and Covenant, the meeting of the general

Congress of the colonies in the fall would set it right. "No Gentleman Trader," remonstrated Adams, "be his haste ever so great to get Rich need distress himself so mightily about the profits of one fall Importation," particularly "if the constant clamor of the trade for the last two years that they did business for nothing, has any truth to it." Adams hoped to discredit the moderate merchants opposing the league by portraying their motives as shortsighted and self-interested.¹⁸

Clearly, then, the critics of the Solemn League and Covenant believed that the committee of correspondence had overstepped its authority in promoting such a boycott and had behaved in an underhanded manner. The committee's supporters, however, believed that such tactics were necessary if the merchants were ever to be forced to act. Believing that they were battling for the town's commercial survival, both sides were set for a bitter showdown at the next town meeting.

The Town Meeting

Sam Adams's June 27 newspaper defense of the committee of correspondence appeared too late to have any impact on the proceedings of that day's meeting. During the course of the meeting, the committee would be forced to defend its very existence and turn back the most serious challenge ever made to patriot dominance of town affairs. After those attending chose Adams as moderator, they passed a resolution requiring the reading of all letters sent by the committee of correspondence since the arrival of the news of the Boston Port Act. When this proved to be too lengthy an undertaking, another motion was substituted, demanding only a reading of the Solemn League and Covenant and the letters associated with it. Members of the audience who had signed the farewell address to Thomas Hutchinson bristled as they heard the letters that characterized them as shameless sycophants and persons of no account. When Adams finished reading, Harrison Gray rose to offer a strongly worded motion censuring the committee of correspondence and dismissing them from further service. At this point, Adams, who was also chairman of the committee, voluntarily relinquished his post as moderator to Thomas Cushing so that he could participate in the ensuing debate. An im-

pressive array of leading merchants then spoke in favor of Gray's motion, including Samuel Eliot, Samuel Barrett, John Amory, Edward Payne, Francis Green, and Ezekiel Goldthwait. That Gray was seconded by strong government party men like Green and consistent moderates like Amory and Goldthwait was only to be expected, but the support from Payne, the long-time scribe of the BSETC, and Barrett, a junior partner of the staunch patriot firm of Jonathan Barrett & Sons, was completely unanticipated. Adams, Joseph Warren, and William Molineux stoutly defended the committee, with debate extending so late that final consideration of the motion had to be put off until the next day. When the vote finally was taken, Gray's motion was overwhelmingly defeated, with only about fifty or sixty in its favor.¹⁹

Rebuffed in the town meeting, the angry merchants circulated a petition protesting the Solemn League as "a base, wicked, illegal Measure, calculated to distress and ruin many Merchants, Shopkeepers and others" by putting "a check at once to our Industry by stopping the Exportation of Staple Articles" and creating "unhappy Divisions in Towns and Families." Because their protest also denounced the way the committee had maligned a number of Bostonians in its letters of May 28 and 30 to the New York committee, it is not surprising that its signers included all but three or four merchants who had signed the farewell address to Hutchinson.²⁰

Opponents of the Solemn League received unexpected support, however, from a second petition, signed by Edward Payne, Thomas Amory, John Amory, Samuel Eliot, Caleb Blanchard, William Frederick Geyer, John Andrews, and Simon Bradstreet. With the exception of Geyer, a dry goods merchant and future Loyalist, and the Amorys, who were suspect for their role in the dissolution of the second nonimportation agreement, all the signers of this second document had impeccable patriot credentials. Their protest, which later became known as the "Little Pope," asserted that power given to the committee of correspondence in 1772 was only temporary and that the committee had conceived and circulated the Solemn League in secret. The Little Pope defended the characters of the addressers but at the same time professed a profound respect for some members of the committee of correspondence, whom the signers did not believe capable of such duplicity.²¹

John Andrews, one of the signers of the Little Pope, later ex-

plained, "We don't mean to oppose any general measure that may be adopted by Congress, but are [as] well dispos'd in the cause of Freedom as any of our opponents. . . . For my own part, I did not expect the vote would have been put as it was; *ie* to censure and dismiss ye Committee." Rather, he anticipated that it would only order them to suspend the covenant until Congress met. "But the just resentment of the *Addressers* on hearing the letters read that were sent to [Philadelphia] and New York . . . rais'd such warm emotion in their breasts, that nothing less than the committee's being annihilated would satisfy 'em," Andrews reported. His sentiments typify the sector of the merchant community that wanted to proceed more cautiously lest Boston be left alone in its commitment to commercial nonintercourse with England.²²

The more radical patriots answered Payne, Andrews, and their fellow protestors in the July 18 *Boston Evening Post*. A writer signed "B" denied that the committee of correspondence was supposed to be temporary or that it was a dangerous innovation. He asserted that the authority for distributing the Solemn League and Covenant came from the town meeting, when it passed similar resolves soon after receipt of the Boston Port Act. B apologized that the patriots had taken liberties with the characters of Payne's friends among the addressers, but had Payne and his fellow protestors no feelings for their country? According to B, the conduct of the protestors' friends was not nearly so noble and manly as they thought, and he admonished Payne and the others for cherishing resentments and promoting divisions within the patriot ranks at a time when there was the greatest need for unity.²³

Having aroused such a furor over its role in the circulation of the Solemn League and Covenant, the committee of correspondence moved quickly to close its ranks. In its first session after the town meeting, the committee voted unanimously not to give "information to any Person respecting the Numbers present, or absent, when the Letters of the Committee were accepted, characterizing the Addressers to Governor Hutchinson, neither will they make mention of their approbation or disapprobation of [the] letters." The committee did continue to promote the adoption of the covenant, which, despite a proclamation by Governor Gage denouncing it, still attracted a great many signatures.²⁴

Certain Progressive Era historians have portrayed the storm

over the adoption of the Solemn League as a key turning point, after which the merchants' sentiments began to turn against the patriots. The merchants, who in many ways had initiated the patriot movement in the early 1760s, now lost control over the course of events to radicals and members of the lower orders. Such a view, however, assumes that the merchants always acted in concert, whereas we have already seen that the merchant community was much more deeply divided during the nonimportation controversy than the Progressive historians were ever willing to acknowledge. The uproar over the circulation of the Solemn League was indeed a turning point. It was the last time government party spokesmen would ever attempt to challenge Whig dominance in the town meeting—and, as the high number of future Loyalists among the addressers and protesters indicates, it catalyzed revolutionary sentiments in a way that was not significantly altered by the outbreak of hostilities.²⁵

A great deal of evidence suggests, however, that these lines had been drawn long before, at the time of the nonimportation controversy. Roughly half the merchant signers of the farewell address to Hutchinson and the protest against the Solemn League had violated the nonimportation agreement. It was at this point that the Ervings, the Amorys, and the Grays, all good patriots in the early 1760s, left the fold. If the merchant community was already fraught with schisms at the time of the circulation of the Solemn League and Covenant, what was the significance of all the opposition against it? Simply that in this final challenge to the radical leadership of Adams, Cooper, Molineux, and their merchant allies, the government party made its greatest show of strength. To the traditional opponents of nonimportation had been added some forty or fifty respectable gentlemen and officeholders from the periphery of the merchant community who had signed the address to Hutchinson and another small group of long-standing moderates who had signed the Little Pope. Even when these men were joined by a few patriots who doubted the wisdom of unilateral nonintercourse, their forces were insufficient to hold back the patriot juggernaut. Having been overwhelmed in the town meeting of June 27–28, 1774, the government party never again challenged the patriots' control of town affairs until the onset of hostilities prompted a patriot exodus from Boston and enabled Loyalist leaders to fill the power vacuum.

In the spring of 1774, soon after the passage of the Boston

Port Act, Parliament enacted several pieces of accompanying legislation designed to strengthen the hand of royal government in Massachusetts. The Massachusetts Government Act revoked the Bay Colony's charter and replaced its elective upper house with an appointed Governor's Council, following the pattern of the other royal colonies. The same act also forbade town meetings, except for purposes of elections, in order to silence the Boston town meeting—which in British eyes seemed the very fountainhead of sedition. In early August, Governor Gage informed the selectmen that they could no longer convene town meetings without leave from him and announced the new members of the Governor's Council. His appointees, soon to be dubbed "mandamus" councillors by the patriots, included a variety of the most prominent friends of government throughout the province. Of the thirty-six councillors, nine were Boston merchants active in trade (Foster Hutchinson, Thomas Hutchinson, Jr., Joseph Lee, William Browne, Joseph Green, Richard Lechmere, Jonathan Simpson, Sr., John Erving, Sr., and John Erving, Jr.), and an additional six more properly belonged to the merchant periphery of retired businessmen turned professional officeholders or country gentlemen.²⁶

Several of the new councillors were understandably reluctant to accept the honor, a response that disappointed Gage. "I [have] experienced much Timidity and Backwardness," he complained, "which finding in those pointed out to me as staunch Friends of Government surprised me a good deal." When he investigated the reasons for their hesitancy, he was told "that many in Trade fear the Loss of Custom, shou'd they appear too openly in favor of Government" and "that many Merchants, tho' they wish to see the Power of their Oppressors annihilated, yet wou'd not chuse that the Laws were so far enforced as totally to prevent smuggling." Gage's comments are apt enough concerning the Ervings, especially that old smuggler John Erving, Sr., who the general later learned "has Connections with all Sides, and would keep well with all," but we can feel genuine sympathy for the plight of Richard Lechmere, the Charlestown distiller, who was torn between a sense of duty and the knowledge that to take the oath as councillor would mean the certain ruin of his trade. Writing to his correspondents in England, Lechmere claimed that until his decision to sign the farewell address to Hutchinson and appointment to the council, he was "as much esteem'd by the People as al-

most any private Gentleman in Town." Now overnight he had become "one of the most Obnoxious of all the friends of Government." Nevertheless, he was resolved to do his duty "both in [his] publick and private capacity, without regarding the threats and menaces that are continually thrown out." If affairs ultimately came to a point where he could not "sit down quietly and enjoy uninterruptedly the liberty of acting and thinking for [him]self without being subjected to insults and abuses," he was prepared to seek out a new life in London.²⁷

By late October, popular vilification of the Tories had become so intense that Henry Bromfield reported, "The Addressers to Gov^r Hutchinson are continually mak^g their Recantations, . . . those that have not are oblig'd to take Shelter in this Town, which also contains all the new councillors that have not resign'd." For government party men who were involved in trade, there were commercial consequences as well: "The Country Traders carry abo^t with them a printed List of the Names of the Addressors to Gov^r Hutⁿ & dare not buy a single piece of Goods of any of them."²⁸

As a consequence of the confrontation at the town meeting in late June, town affairs reached a new level of hostility throughout the summer and fall of 1774. The addressers to Hutchinson and Gage, who believed that they had appended their signatures more out of conscience than self-interest, now found themselves treated as pariahs by their fellow townsmen, their windows broken, and their businesses in decline.

The Continental Association

During the fall of 1774, all eyes turned toward Philadelphia as the delegates of the Continental Congress began to assemble. Bostonians pinned their hopes for deliverance on a congressional adoption of a comprehensive scheme of nonimportation and nonexportation that would continue in force until Parliament repealed the Boston Port Act. An important difference between the Boston plan and earlier forms of commercial opposition was the emphasis on nonexportation. Under this program, the colonists would withhold their staples not only from Great Britain but also from the British West Indies. The idea of stopping trade with the West Indies had its root in the

notion that since seventy-four members of Parliament owned West Indian plantations, they would be susceptible to colonial pressure once they realized that their slave populations would starve without the foodstuffs normally imported from the North American colonies. After all, the Bostonians reasoned, since the West Indians had started all the controversy by lobbying for the strict enforcement of the duty on molasses, it was only fair that they should suffer the colonies' wrath as well.²⁹

One "Distressed Bostonian" feared that "there will be opposers to this scheme even amongst our friends"; he knew that it would require a great sacrifice for colonial merchants to stop trade to the West Indies and that the force of self-interest was strong. Nevertheless, he believed that suspension of trade with the West Indies would have a more immediate impact (because it imperiled human life), whereas past experience had proved that nonimportation from England could continue for several years before it had any effect. "Are we in jest or in earnest in our opposition?" he asked. "I am for trying our *whole force at once*. If all united is not sufficient, surely none will be foolhardy enough to say a part is."³⁰

Massachusetts had dispatched its congressional delegation in mid-August to lobby for the commercial nonintercourse plan on the way to Philadelphia. That the Continental Association, as it was finally adopted on October 20, embodied most of the Boston plan is a testimony to the successful proselytizing of the Massachusetts delegation, because the instructions of all the other provinces except Maryland and New York limited their delegates to suspending trade with Great Britain alone. Once Congress had agreed on a comprehensive plan of nonimportation, Samuel Chase of Maryland attempted to follow up on this initial success by proposing immediate nonexportation to Great Britain as well. Chase's suggestion also included withholding remittances to British merchants and nonexportation of lumber to the West Indies. Although delegates from Pennsylvania and New Hampshire supported Chase, Isaac Low of New York, himself a merchant, spoke against the idea, arguing that the loss of trade in rum, sugar, and molasses would mean the ruin of the colonial distilling business and the fisheries. The most determined opponents of nonintercourse were not commercial interests, however, but constitutional moderates, such as Pennsylvanian Joseph Galloway, who believed that comprehensive imperial reform, and not

economic coercion, would be the only effective means of obtaining permanent relief.³¹

As finally adopted on October 20, the Continental Association was a compromise. Nonimportation with Great Britain, Ireland, and the British West Indies would take effect on December 1, 1774, leaving the merchants very little time to countermand orders they had already sent to England. The slave trade and the importation of wine from Madeira and the Azores would cease at the same time. Signers of the association promised not to consume either East India goods or dutied tea and pledged themselves not to purchase from importers. Plans for nonexportation were suspended until September 10, 1775, allowing a nine-and-a-half-month grace period for Parliament to comply with colonial demands. When it finally took effect, however, nonexportation would include Great Britain, Ireland, and the West Indies. In fact, the only exception permitted under the plan was the shipment of rice to Europe. To prevent profiteering, Congress forbade any advance in prices while the association remained in effect, and an elaborate system of local committees of inspection was set up to insure compliance.³²

In an accompanying special "Address of Congress to the British Inhabitants of North America," Congress attempted to reassure those impatient with the plan that the people of England would soon have an opportunity to declare their sentiments and take the Americans' part. Commercial opposition was by far the best course of action, Congress insisted, because the colonists would be assured of success if they could only maintain solidarity. The association would remain in force until Parliament repealed all the following: all the duties on tea, wine, sugar products, coffee, pimientos, and indigo, as well as foreign paper, glass, and painters' colors; the legislation extending the powers of the admiralty courts in North America; and the so-called Intolerable Acts (the Boston Port Act, the Massachusetts Government Act, the Administration of Justice Act, the Quartering Act of 1774, and the Quebec Act).³³

The sweeping nature of congressional demands amply illustrates how widely accepted the commercial position first advanced by the Boston Society for Encouraging Trade and Commerce in the late 1760s had finally become. At that time, only Boston insisted on the repeal of *all* the recent Revenue Acts and not just the Townshend duties. Only Boston had made the wide-ranging jurisdiction of the

vice-admiralty courts and the abuses of the customs officers a consistent part of its petitions for the relief of trade throughout the 1760s. Bostonians had refused to let their trade be channeled by the demands of revived English mercantilism. They would submit only to the seventeenth-century Navigation Acts, and a vocal minority, the smugglers, would have preferred to do away with the Staple Act of 1663, limiting their trade with northern Europe. Boston's illicit traders continued to bring home foreign tea and paper in clear defiance of the Staple Act throughout the 1760s and early 1770s. They had consistently demanded a virtually unrestricted trade with all the ports of the world on the grounds that colonial prosperity inevitably redounded to the benefit of Great Britain. Now, in October 1774, the demands of the Continental Congress looked remarkably like the program of the Boston smugglers.

Perhaps one of the most far-reaching consequences of the Continental Association was the system of extralegal committees of enforcement it established. These committees were to be chosen in every county, city, and town by all those qualified to vote for representatives in the legislature. Their function was to observe the conduct of all persons regarding the association, and when a majority of the committee deemed that someone had violated the association, they were to publish "the truth of the case" in the newspapers so that "all such foes to the rights of British-America may be publicly known" and good patriots might break off all commercial dealings with the offender. In early December, Boston appointed a committee of sixty-three to enforce the association, nearly all of them merchants or shopkeepers. Predictably, the list included the three richest patriot merchants (John Hancock, William Phillips, and Jonathan Williams), as well as a number of leading politicians who had made themselves indispensable in patriot deliberations (Sam Adams, Thomas Cushing, Thomas Marshall, and Joseph Warren). Veterans of the various committees appointed to enforce the second nonimportation agreement were also well represented: John Bradford, William Whitwell, Thomas Boylston, and Caleb Davis. (William Molineux, whose name we might well have expected on such a list, died two days after the association was adopted.) Other groups represented on the committee of inspection included merchants with close ties to the North End Caucus and former members of the Loyal Nine, who had directed popular demonstrations at the time of the Stamp Act (John

Avery, Thomas Crafts, Thomas Chase, and Henry Bass). Generally speaking, the committee of inspection represented all levels of the business community, together with a judicious admixture of patriot politicians, from the wealthiest importers down to the lowliest shopkeepers and artisans. That the patriots were able to assemble such a group is ample proof that not all merchants had deserted the patriot cause after the circulation of the Solemn League and Covenant.³⁴

Government party adherents responded to the appointments by circulating their own list of the members of the new committee, reminiscent of the rosters belittling the occupations of the signers of the farewell address to Hutchinson. "As True Born Sons of Liberty . . . always make it a Rule to publish the Names and Affix the Characters of those they vote Inimical to their favourite Cause," the Tories proclaimed, "it may not be amiss by way of tit for tat to give the Public a List of . . . Persons . . . appointed . . . to carry into Execution . . . the Agreement and Association of the Respectable Continental Congress." Sam Adams led the list as "a tax collector in debt, manager of plots, etc. famous for smoking bacon and always shudders at the sight of hemp." The government party spokesmen were also quick to notice the presence on the committee of so many men who had previously been associated with popular demonstrations and crowd action; thus, John Pulling was characterized as a "Bully of the Mohawk tribe," John Winthrop, Jr., as "chairman of the committee for tarring and feathering," Abiel Ruddock as "head of the mob [of] 5 November" (an allusion to Boston's annual Pope's Day celebration), and Joseph Eayres as a "carpenter, eminent for erecting Liberty poles."³⁵

The Continental Association proved less difficult to enforce than the second nonimportation agreement had been. With the port closed, many merchants simply shut up shop; others were content to draw down overstocked inventories. If newspaper advertising is any index of the tempo of business activity, commercial affairs in Boston certainly had slowed to a crawl. Henry Bromfield, a member of the committee of inspection, told his English correspondents that there would be no dearth of goods in Boston for two or three years, and when they proposed secretly shipping goods by way of Canada, Bromfield warned that "it would be Death to any Man to be found out." Popular enthusiasm for the association was so widespread, particularly in Boston, that many merchants who had opposed nonimporta-

tion found it necessary to support the new agreement. "The temper of the times runs so warm," Christopher Champlin reported, "that no one who regards Peace or Property will dare infringe upon it." The newspapers, which had been rife with reports of violations of the nonimportation agreement in 1769–1770, took note of only two such incidents during the winter and spring of 1774–1775. Although Philadelphia and New York were rife with turmoil over the enforcement of the association, Boston remained relatively calm, for the Boston Port Act effectively forced commercial nonintercourse on the merchants of Boston. The lines drawn elsewhere at this time between patriots and Tories had been well established in Boston long before.³⁶

According to the patriot merchant John Andrews, the people who suffered most as a result of the Boston Port Act were members of the middle class. The poor lived off the charitable donations of the other colonies, which had come flooding into the town as soon as the draconian provisions of the Port Act became generally known. (One clause of the Continental Association even provided that goods imported contrary to the agreement might be sold by the committees of inspection as long as the profits were set aside for the relief of the poor of Boston.) The rich, Andrews contended, could live off their income as landlords and lenders of money. Although it is true that in these days before banks most wealthy merchants sought to turn their savings to account by lending money (at one time John Hancock had over £11,000 laid out in this way), their investments were hardly very secure under the precarious conditions created by the Port Act. Daniel Hubbard, a future Loyalist and a "man of Considerable Capital," remarked in conversation that "the moment he heard Britain was determined to enforce the late acts, he should esteem himself a beggar he had so much money out in the hands of the trade." As impoverished debtors began to default and others took advantage of the closing of the courts in many country towns (by patriots seeking to nullify the Massachusetts Government Act), the chain of debts involved reached even the most prosperous Boston merchants. "I suspect all Trade will be at an End soon," Henry Bromfield predicted in January 1775. "My best customers begin to fail, not being able to gett in their Debts. Our Country People spend half their time exercising and preparing for Warr."³⁷

Conditions in Boston after the Port Act took effect had indeed been burdensome, but the town's patriots could console them-

selves in having won the wholehearted support of the other colonies. The Continental Association embodied all the Boston merchants' most radical demands by insisting that nonintercourse remain in effect until *all* the duties on trade were removed. Thus despite the hardships Bostonians had endured, the entire continent had now adopted the commercial program first advocated by the BSETC in the late 1760s.

The Siege of Boston

War finally came in mid-April 1775. On the morning of April 19, Samuel Phillips Savage threw open the bedroom window of his country home in Weston to hear news of the fighting at nearby Lexington and watched throughout the day as minutemen streamed by his house to join the alarm.³⁸ Although retired in recent years because of failing eyesight, Savage had been a principal figure in the Whig hierarchy, a secretary of the BSETC, and the moderator of the town meeting on the eve of the Boston Tea Party. Many on both sides had anticipated armed conflict ever since the Powder Alarm of September 1, 1774, when General Gage's attempt to seize a supply of provincial gunpowder at Charlestown touched off rumors of war throughout New England. But what must Savage have thought now that the crisis toward which the events of the last decade and half had been tending had at last arrived?

Government party men were surer of who bore the blame for the fighting. Just a month before war broke out, the Tory writer "Phileirene" had charged in the *Massachusetts Gazette and Boston Post-Boy* that the suppression of smuggling had been the cause of all disputes and complaints, "the subject of controversy for some years past between Great Britain and her Colonies." He contended that "a few smuggling merchants who enriched themselves at the expense of the fair trader, finding themselves too narrowly watched, have had the art to make a mere merchantile affair, a subject of general and public complaint, and to this is presently owing our present unhappy situation."³⁹

Indeed, there is a certain truth to Phileirene's remarks, if we recall the history of Boston merchant politics leading back to the Barons affair. To defend their illicit profits, the smugglers had first sought to cripple both the vice-admiralty courts and the customs service. Then they had repeatedly petitioned Parliament to rescind the laws

designed to bring their commerce back within lawful channels. Non-importation had provided a convenient opportunity to reap unanticipated profits in unlawful European manufactures, and when the Tea Act of 1773 undercut this privileged position, the smugglers successfully persuaded consumers that such government-sanctioned monopolies endangered everyone. Since the Tea Party, events had proceeded with a tragic inevitability that justified Phileirene's observations. Leading patriots, to serve their own self-interest, had pushed the colonies into war.

The news of the hostilities occasioned a panic in Boston, as patriot merchants rushed to evacuate their families and belongings. Just as many Tories had been migrating into the town during the last year to secure for themselves the protection of the British army, a number of patriot merchants had relocated in the country towns surrounding Boston following the closing of the harbor. For those who had temporized, the news of Lexington and Concord forced a decision. Probably over 150 merchants left the city in late April to stay with friends or relatives in the country; nearly all became committed patriots. Among an equal number who chose to remain, only twenty or thirty failed to leave with the British fleet a year later.⁴⁰

On April 22, 1775, the town meeting appointed a committee—James Bowdoin, Ezekiel Goldthwait, Henderson Inches, Edward Payne, Alexander Hill, and the selectmen—to confer with General Gage concerning the conditions under which townspeople might be allowed to pass through the British lines. (Boston Neck, the narrow isthmus leading to the mainland, had been fortified since the preceding summer.) The members were carefully chosen to reflect all shades of opinion. Most of the selectmen were, predictably, fervent Whigs, whereas Payne was known as a moderate and Goldthwait, a professional officeholder, even had been turned out of one of his sinecures by a patriot majority in the General Court. Perhaps not so generously, Gage allowed whoever wanted to go to do so. (There would be no need for excess hungry mouths in the besieged city.) He also permitted the patriots to remove their effects, though he later said that by "effects" he had not meant merchandise. The governor was reluctant to release any supplies that might prove useful, and as the siege lengthened, he became aware that many of the goods that lined Boston shops and warehouses had not yet been paid for, and he hoped to preserve them for their proper owners, the

English merchants, who had sent the goods on credit and still "might fall upon Means to get them into their Possession."⁴¹

Both patriots and Tories languished during the siege. Cut off from their homes and property, Whig merchants were forced to depend on the charity of friends and relatives in the outlying towns, except for the opulent few who owned estates in the country. Patriots were also in constant communication with Loyalist relatives who remained inside the city, hoping they would protect their houses and furniture from the depredations of the soldiers, who had begun to make free use of whatever the patriots had abandoned. When he heard his house had been occupied by soldiers, Ezekiel Price worried about the security of his insurance papers (which would implicate a number of fellow merchants in illicit trade). He soon received word that his papers were safe and would be delivered to his friend Caleb Blanchard. Others were less fortunate. Contributing to the feelings of alarm, the *Essex Gazette* reported that one calvaryman had led his horse into patriot merchant Lewis Gray's deserted house to avoid the rain. The web of intermarriage among families of Boston's principal merchants, however, assured that virtually everyone had some close relative (brother, daughter, or son-in-law) on the other side who could help prevent such outrages. Ironically, many patriots would eventually return the favor by finding ways to hide the ownership of their Loyalist relatives' property and thus save it from confiscation later in the war. Although friends could help protect property from the troops, they could do little to stop the fire that swept through the dock area in late May. (Patriots must have been more than a little suspicious, since out of the twenty-seven stores burned, Whig owners outnumbered Tories by a two-to-one margin, John Hancock and Jonathan Williams both being principal sufferers.) Patriot authorities did what they could to relieve the distress of the unemployed merchants. On October 5, the *Essex Gazette* announced that the Provincial Congress had appointed fourteen new justices of the peace for Suffolk County, nearly all of them merchants and three of them victims of the May fire.⁴²

The Loyalists suffered too. In late July, Governor Gage reported that "many of the Friends of Government and even several of the Council who have sought Protection in [the] Town, begin to feel Distress, the Money they brought with them being expended, and the Rebels preventing their receiving any Profits from their Estates."

When they applied for assistance, Gage was forced to reply that “we have no Publick Money, nor could I dispose of it in that Channel if we had.” He did, however, share his remaining personal cash with them and urged Lord Dartmouth to devise other methods for the payment of the troops, since no merchant, even in New York, would honor his officers’ drafts.⁴³

The inhabitants also bore the brunt of various forms of commercial warfare that both sides enacted to harass the other. As early as October 1774, long before the first shots were fired, the British had issued an order-in-council banning the export of gunpowder, arms, or ammunition to the colonies from Great Britain. In February 1775 the Massachusetts Provincial Congress retaliated in kind by forbidding its citizens to supply the British troops with straw, iron, and hardware. In response to the Continental Association, Lord North sponsored a bill in March restraining the trade of the New England colonies to Great Britain and the West Indies alone. When it later became apparent that other colonies had ratified the association, Parliament extended the law to include Pennsylvania, Maryland, Virginia, South Carolina, and New Jersey. When this legislation became known in Massachusetts in early June, the Provincial Congress once again responded by cutting off trade with Canada and Nantucket, both areas that remained loyal to the crown.⁴⁴

By late August 1775, rumors had begun to circulate that the port of Boston was now open for trade on the same footing as other governments, trade being allowed to Great Britain, Ireland, and the British West Indies. On September 28, the *Essex Gazette* announced a meeting in Watertown of the “dispersed members of the commercial club” to consider the limited importation of arms and necessary merchandise. Lest there be any further doubt about how Massachusetts stood, in mid-November the Provincial Congress issued an act authorizing the fitting out of privateers. The inhabitants of Massachusetts were ready for full-fledged war, even if Congress hesitated.⁴⁵

In mid-July, the Continental Congress redefined the association to limit further evasion of the agreement by merchants trading with the Channel Islands and some parts of the West Indies. At the same time, Congress also granted some exemptions to the ban on exports in order to augment clandestine shipments of arms to the colonies, a provision that eventually resulted in a 40-percent increase in exports. A congressional committee also submitted a report in July

recommending that all American ports be open after January 20, 1776, "to the ships of every state in Europe that will admit our commerce and protect it." The debate on the proposal—which was tabled until after Christmas—brought into sharp relief the differences between the "unrestricted trade" that many merchants had been demanding since the late 1760s and what we now think of as "free trade."⁴⁶

The chief opposition in Congress to opening colonial ports to all nations came from those who feared the loss of the carrying trade to ships of other nations, something that had previously been a practical impossibility because the Navigation Acts permitted only British ships to enter American ports. Others, most notably Sam Adams and John Adams, argued that the British navy would successfully cut off all the trade to the colonies unless the ships of foreign nations, protected by their own fleets, were allowed in. At almost the same time that this debate was taking place, Lord North's Prohibitory Act received royal assent. According to this new law, all British vessels found on the American coast after January 1, 1776, were to be seized and confiscated, American vessels found in British ports after March 1 were to be seized and confiscated, and all foreign vessels trading with America after June 1 were to be seized as well. When Congress received word of this new parliamentary affront on February 26, their course of action became clear. On April 6, 1776, Congress opened American ports to the trade of all nations, a *de facto* declaration of American independence. Free trade had been forced on the Americans, like it or not.⁴⁷

Certainly recent years had witnessed an increasingly open defense in the newspapers of American economic self-interest, and the direction of the arguments of patriot merchants had moved in favor of a freer and freer trade throughout the prerevolutionary period. In the early 1760s, Bostonians had only wanted to be treated on the same footing with ports in the other colonies, free from the supervision of its overzealous customs officers. When George Grenville undertook to reorganize colonial trade in a way that would once again be profitable to England, Boston merchants reconsidered their position and pleaded for special liberties that would allow them to continue their trade with the West Indies and southern Europe. Parliament granted most of their requests in the Revenue Act of 1766,

but by then Boston patriots were demanding the repeal of all the eighteenth-century revenue duties. Boston's radical avant-garde were forced to back down from this position in 1769, when Philadelphia and New York failed to support them. But by the fall of 1774, the program of Boston's patriots had won acceptance by the Continental Congress, and all of North America was clamoring for the repeal of the recent Revenue Acts. The turbulent events of the 1760s had led the merchant vanguard of Boston patriots to a growing realization of just how many of their most vital interests lay outside the empire. Once this realization was reached, a recognition of the economic necessity for independence was just a short step away.

Epilogue



Only ten days before Congress voted to open America's ports to world trade, the British fleet set sail from Nantasket Roads for Halifax. On board were nearly eleven thousand troops and a thousand Loyalists. The posting of American cannon on nearby Dorchester Heights had at last brought an end to the eleven-month Siege of Boston. As the fleet of transports stood out to sea past Boston Light, a knot of Loyalist merchants gathered on the deck of one of the vessels, looking back at the tiny peninsula that had been their home and confidently predicting their triumphant return. Of the group only George Erving, whose family had once been so prominently associated with the patriot cause, understood the full dimensions of the radical change in thinking that had transpired since 1760. "Gentlemen," he prophesied, "Not one of you will ever see that place again."¹

The revolutionary chain of events set in motion by the Barons controversy in 1760 had split the Boston mercantile community more widely than has ever perhaps been realized. Of a group of 392 Boston merchants whose wartime sentiments we can definitely ascer-

tain, 118 became committed Loyalists. Fifty-nine merchants in the sample had died before 1775, 8 had gone permanently bankrupt, and 7 had left the city. An additional 37 merchants remained scrupulously neutral during the war years, and 163 eventually took up active service in the patriot cause. Thus in the matter of their revolutionary loyalties the Boston merchant community had split right down the middle: 42 percent became patriots and 39 percent remained Loyalists or neutral.

To confidently assign motives for the actions of all these men would be rash and foolhardy. Religion, place of birth, family ties, and political sensibilities undoubtedly all played a part in each merchant's decision, and who can say without reservation that one force was stronger than another for any particular individual? Nevertheless, the existence of two definite groups, patriots and Loyalists, offers an opportunity for statistical comparison.

In the matters of age and wealth, the groups are remarkably similar. The mean average age of the patriot merchants at the time of the outbreak of the Revolution was 46.5, whereas that of the Loyalists was 44.4. When we examine the age of both groups more closely (see Table 1), we discover that there are nearly twice as many Loyalists as might be expected in the 20–29-year age range. But this discovery seems partially offset by the fact that there are a few more patriots in the 30–39-year group and a slight excess of Loyalists among the 40–49-year-olds. Certainly, no clear pattern emerges to prompt easy generalizations about generational conflict and the American Revolution.²

The average assessed annual rental value of Loyalist and patriot property is also remarkably similar: £38.5 for patriots, £36.7 for Loyalists. When we compare different levels of wealth between the two groups (Table 2), we see admittedly few but a disproportionately high number of patriots who ranked among Boston's wealthiest citizens with assessments of over £70 annual value. No Loyalists are comparably as rich; in fact, we notice more Loyalists than anticipated among the lowest level of wealth, up to £19 in annual rental value. Because the numbers are so small, it would be a mistake to make too much of this, but perhaps we may regard it as some slight confirmation of Loyalist charges that the leaders of the second nonimportation movement were merchant princes who dominated the trade and that some of their government party opponents were small shopkeepers and young, newly established merchants.

1.

Frequency Distribution: Age in 1775

<i>Age</i>	<i>Observed Values</i>				<i>Expected Values</i>		
	<i>Patriots</i>	<i>Loyalists</i>	<i>Neutrals</i>	<i>Total</i>	<i>Patriots</i>	<i>Loyalists</i>	<i>Neutrals</i>
20–29	7	9	0	16	8.3	5.5	2.2
30–39	22	11	2	35	18.3	12.1	4.7
40–49	18	17	7	42	21.8	14.5	5.7
50–59	20	7	9	36	18.7	12.5	4.8
60–69	12	10	2	24	12.5	8.3	3.2
70–79	<u>2</u>	<u>0</u>	<u>1</u>	<u>3</u>	1.6	1.0	0.4
	81	54	21	156			

2.

Frequency Distribution: Assessed Annual Value of Property

<i>Wealth, in Annual Rental Value</i>	<i>Observed Values</i>				<i>Expected Values</i>		
	<i>Patriots</i>	<i>Loyalists</i>	<i>Neutrals</i>	<i>Total</i>	<i>Patriots</i>	<i>Loyalists</i>	<i>Neutrals</i>
£10–19	8	7	1	16	9.4	4.8	1.8
£20–29	32	8	7	47	27.7	13.9	5.3
£30–39	11	7	3	21	12.4	6.3	2.4
£40–49	24	21	4	49	28.9	14.6	5.5
£50–59	10	2	3	15	8.8	4.5	1.7
£60–69	8	5	1	14	8.2	4.2	1.6
£70–79	2			2	1.2	0.6	0.2
£80–89	3			3	1.8	0.9	0.3
£90–99	<u>1</u>	<u>—</u>	<u>—</u>	<u>1</u>	0.6	0.3	0.1
	99	50	19	168			

An examination of the religious affiliations of Loyalist and patriot merchants yields much higher correlations. We find that a preponderance of patriots were Congregationalists, and that twice as many Tories as we expected were Anglicans (see Table 3). At first, this might seem to be a key clue in unraveling the riddle of why some merchants chose to be patriots and others remained loyal, but it lacks verification in the events themselves. No mysterious hands appeared outside the shops of government party merchants in the winter of 1770 to stigmatize the owners as “Anglicans”; nor did Tory pundits frequently denounce their opponents in the newspapers as a nest of religious radicals. Indeed if we use the amount of space devoted in newspapers as a rough indication of the intensity with which certain issues were felt, plans to establish an Anglican bishop in America or the Society for the Propagation of the Gospel’s founding of an Anglican mission in Cambridge fade in significance beside the Townshend duties or the corrupt conduct of the customs officers. Unlike Philadelphia, where conflicts between Quaker and Presbyterian merchants loomed large, religious differences were rarely the focus of the revolutionary movement in Boston.³

The fact that patriots and Loyalists divide themselves so neatly into Congregationalists and Anglicans reflects instead the fact that these religious groups were self-selected (strongly based on social considerations and place of nativity). The choice of which church to attend was a statement about who a merchant thought he was and what people he chose to associate with. Religious belief in most cases (though certainly not all) rarely provided a motive for a merchant’s

3.
Frequency Distribution: Religion

<i>Religion</i>	<i>Observed Values</i>				<i>Expected Values</i>		
	<i>Patriots</i>	<i>Loyalists</i>	<i>Neutrals</i>	<i>Total</i>	<i>Patriots</i>	<i>Loyalists</i>	<i>Neutrals</i>
Congrega- tionalist	87	24	12	123	69.5	41.4	12.0
Anglican	14	32	6	52	29.4	17.5	5.1
Other	<u>3</u>	<u>6</u>	<u>0</u>	<u>9</u>	5.1	3.0	0.9
	104	62	18	184			

political behavior. If the revolutionary loyalties of parishioners could be correlated with the political conduct of particular ministers, we would be forced to acknowledge that religious belief was a greater motivating force in the conduct of Boston's merchants. But, in fact, the parishioners of such leading Whig ministers as Samuel Cooper and Jonathan Mayhew seem to have been no more predisposed to be patriots than any other Congregationalists.

In the end, place of birth and type of business specialty prove the most suggestive guides in examining why some merchants behaved the way they did. As already noted, the concentration of Loyalists among non-natives, particularly Scots, was extremely high (81 percent). Many of these men found employment as factors of English and Scottish merchant firms, among whose ranks Loyalists outnumbered patriots by a substantial margin. The high correlation between factors and government party men suggests another truism about Boston Loyalists: most merchant Loyalists, perhaps 90 out of 118, tended to draw most of their income from the dry goods business. Direct, reciprocal trade with Great Britain was their livelihood, and to dissolve the bonds of empire was to destroy the commercial world in which they had lived and prospered. Thus nonimportation, the patriots' favorite device of economic coercion, drew deeply from these men's pockets. Once this fact is admitted, it becomes far easier for us to realize why the nonimportation controversy proved to be such a watershed in the history of Boston loyalism. In the midst of the nonimportation furor, dry goods merchants came face to face with a realization that the community as a whole was willing to sacrifice the interests of a minority of its members in order to obtain its political ends. If many dry goods merchants were lukewarm about the patriot cause to begin with, here was real reason to turn to loyalism.

The patriots' business interests tended to be more diffuse (see Table 4). Although many of the most prominent dry goods merchants, such as Hancock and Phillips, stood firmly within the patriot ranks because they saw nonimportation as a device to drive out unwanted competition, patriots were far more likely than Loyalists to be independent merchants carrying on a variety of economic activities. Almost no Bostonian of the time dealt exclusively in trade with the foreign West Indies or southern Europe, but ventures to these parts of the world seem much more characteristic of patriots than their Loyalist counterparts. Therefore it is fascinating to speculate

4.

Frequency Distribution: Business Specialty

<i>Specialty</i>	<i>Observed Values</i>				<i>Expected Values</i>		
	<i>Patriots</i>	<i>Loyalists</i>	<i>Neutrals</i>	<i>Total</i>	<i>Patriots</i>	<i>Loyalists</i>	<i>Neutrals</i>
General merchant	37	33	9	79	39.7	29.8	9.5
W. Indian & coastal trader	14	7	3	24	12.0	9.0	2.9
S. European trader	7	2	0	9	4.5	3.4	1.1
Dry goods merchant	20	20	5	45	22.6	17.0	5.4
Shopkeeper	19	16	6	41	20.6	15.5	4.9
Brazier	11	6	5	22	11.1	8.3	2.6
Factor	9	15	2	26	13.1	9.8	3.1
Distiller	15	9	4	28	14.1	10.6	3.4
Other	16	9	3	28	14.1	10.6	3.4
Unknown	<u>24</u>	<u>12</u>	<u>4</u>	<u>40</u>	20.1	15.1	4.8
	172	129	41	342			

Note: Some merchants are included in more than one category.

that the patriots' involvement with ports at the fringes of the mercantile system led them to a gradual realization of the extent of their economic interests outside the empire. Certainly, this was true for the Dutch smugglers, who became increasingly open in their defense of illicit trade as time wore on. Gradually, they were able to persuade many of their merchant confederates to reject the legitimacy of most revenue duties and to preserve only the seventeenth-century framework of the Navigation Acts protecting the North American carrying trade. In general, the Loyalists' *immediate* economic interests determined their conduct, whereas the Whigs, whose businesses were more diversified and would have stood up well in any economic competition, found that their short-term economic interests and their position on long-range trade-related issues were mutually reinforcing.

Recent scholars have tended to downgrade the importance of

smuggling interests in the patriot movement, regarding the charge as a Tory slander on the disinterested conduct of America's founders. But because it is possible on the basis of surviving insurance records and business accounts to identify here for the first time who Boston's smugglers actually were and to observe their political conduct over the decade and a half preceding the American Revolution, we can reexamine the validity of the allegation. Once we have learned the smugglers' names, the frequency with which men like John Rowe, William Molineux, Solomon Davis, and Melatiah Bourn appear becomes too obvious to ignore. The smugglers first gathered during the two-year campaign to restore Benjamin Barons as collector of customs. On his behalf, they learned the rough tactics of counter-insinuation and mass intimidation, which they were later to use so effectively in the widening conflict with England. Although Barons's partisans were ultimately unsuccessful, they achieved positions of leadership in the Boston mercantile community. Subsequently, their views dominated the patriot inner circle, and the petitions of the Boston Society for Encouraging Trade and Commerce reflect their concerns. During the long years of salutary neglect, America's trading interests outside the empire had become far too important for Boston merchants to forfeit willingly when, at the end of the Seven Years' War, Great Britain under George Grenville's leadership attempted to close the loopholes in its navigation system.

To understand fully how the patriots' economic arguments grew out of their own self-interest, it is important to view the Revenue Act of 1764 as a device of revived, orthodox mercantilism. The colonists clearly recognized it as such and objected to it vehemently. By carefully sorting out the various drafts of the BSETC's trade petitions during the years 1763–1767, we can see how they moved away from requests for specific liberties and toward larger demands for an unrestricted trade. The Revenue and Free Port acts of 1766 deserve more prominence than they are usually given, because they were an attempt both to meet the colonists' legitimate trade grievances and to provide a compromise system whereby American commerce could still be channeled to the benefit of Great Britain. Parliament insisted only that the colonies continue to supply England with a few of their most valuable raw materials and take the majority of their manufactures from Great Britain. By this time, however, the merchants' thinking had altered so fundamentally that they rejected the proposal.

John Mein's publications in the *Boston Chronicle* during the

nonimportation controversy provide us with more information about the nature of the patriot movement and the conduct of their government party opponents than historians have previously used. A careful analysis of who imported what and in what quantities allows us to see for ourselves how well the agreement was kept and the extent to which some importers carried on business as usual. We now know that the patriots did a better job of honoring the nonimportation agreement than Mein alleged; most patriot importations involved necessities that had been overlooked in the hasty framing of the original agreement or small quantities of goods that had been sent by English correspondents contrary to instructions. But there was an important element of truth to Mein's charge that many of the most ardent supporters of nonimportation were particularly well-stocked dry goods merchants who hoped to dispose of large inventories already on hand. Thanks to the overly liberal credit policies of London merchants, the Boston merchant community had grown too large for the town's weakened economy to support, and the greater dry goods merchants hoped to reduce the number of retailers by means of temporarily suspending imports.

The anti-Scottish prejudice that surfaced everywhere in the nonimportation furor had more than just Mein as its target. It helps confirm the statistical predisposition of non-natives to become Loyalists. The factors of Scottish merchant firms helped swell the numbers of Boston's merchant community and flood the market with inexpensive goods. Likewise, the patriots had little love for most auctioneers, who helped undersell established wholesale merchants. Because of such animosities within the merchant community, nonimportation was the great turning point in the revolutionary loyalties of most Boston merchants. Relatively few individuals crossed over the lines that were drawn at this time. Most of the merchant signers of the farewell address to Governor Hutchinson or Loyalist émigrés were victims of the patriots' nonimportation policies.

The role of smuggling interests in the Boston Tea Party is also greater than most previous accounts allow. Not only do the anti-monopolistic arguments found in the press represent the real grievances of persons besides the consignees who dealt in tea; they also evince the patriot leaders' effort to divert the consumers' attention from the lower prices that the East India Company's scheme would provide. In the wake of the Boston Tea Party, the patriot merchant

leadership initiated a vigorous campaign to persuade other colonies to join Massachusetts in a plan of commercial nonintercourse with Britain until all the Coercive Acts and revenue duties were repealed. That the drive eventually ended in the opening of American ports to world trade has more to do with accidents of circumstance than deliberate intent as Britain and the American colonies tumbled toward open war.

To what extent are ideology and interest reconciled by the foregoing account? First, by the recognition that smuggling and trade with southern Europe and the foreign West Indies were economic necessities. Because of the credits earned in those places and the larger opportunities for ancillary employment that they provided, Boston's commerce could not survive without them, but neither could Boston merchants openly avow their importance to mercantilist-minded treasury lords and customs boards. Such interests must be hidden; hence they became the secret agenda of every petition sent to Parliament. The eventual decision to oppose all trade legislation except the seventeenth-century Navigation Acts was more than mere carping about additional duties. It was part of a growing awareness that the American economy needed greater freedom from restraint if its merchants were to thrive in the burgeoning world of eighteenth-century commerce.

Second, a close analysis of the unstable state of Boston's commerce provides an important key to patriot rhetoric and behavior during the nonimportation controversy. Boston's native mercantile leaders were indeed struggling to regain control of trade by reducing the number of importers and driving out the unwanted competition of factors and auctioneers. American merchants were asserting their recognition of the need for greater economic sovereignty; they would need to throw off the yoke of British commercial dominance unless they were to live forever in perpetual subservience to the rise and fall of the British economy—which the grim reality of the credit crisis of 1772 only served to underscore. During the decade and a half preceding the American Revolution, Boston merchants had moved nearer and nearer their inevitable conclusion: North Americans could no longer remain within the commercial empire of Great Britain.

Ironically, we have come full circle since our first examination of the Barons affair in 1760. What began as a critique of Progressive historians' interpretation of the Revolution now seems to con-

firm its remarkable strength in some aspects. Although we must now discard the notion that all merchants thought or acted in the same way, there is much truth to Schlesinger's and Andrews's observations on the course of the revolutionary movement in Boston. The smugglers' role was central to the formation of a revolutionary consciousness among Boston merchants. Their participation can be detected in every major event from the campaign to restore Barons as collector through the Boston Tea Party. Economic self-interest and political action were also inextricably linked, as shown by the cooperation of large wholesale merchants with their smuggler-confederates in stoutly defending the nonimportation agreement. By temporarily suspending imports from England, these merchant princes sought to reduce overstocked inventories and undercut smaller-scale competitors. The increasing tendency of British firms to bypass native American wholesale merchants in order to deal directly with retail shopkeepers or their own factors clearly posed a direct threat to the livelihood of a number of leading patriots.

A review of the Progressive interpretation also points out how the revolutionary movement in Boston differed from the experience of other cities. The extent of economic distress during the 1764–1770 period was far greater in Boston than in Philadelphia. Because of its agriculturally impoverished hinterland, Boston was less able to exploit the widening opportunities in the grain trade with southern Europe that so buoyed Philadelphia's fortunes during the 1760s. The slim profits of legitimate trade would also provide Bostonians with a greater impetus to turn to smuggling. Furthermore, religious affiliation seems to have correlated less clearly with ethnicity and levels of wealth than it did in Philadelphia, where Scotch-Irish Presbyterians were locked in a struggle with leading Quaker merchants. Finally, elite control in Boston proved remarkably resilient; Boston artisans never gained the same influence in the patriot committee structure as they did in Philadelphia.⁴ All this leads to the conclusion that local context played an important role in shaping the revolutionary movement in each of America's seaport towns. We need to know much more about merchant politics in New York, the Chesapeake tidewater, and South Carolina before we can once again attempt the broad generalizations of the early Progressives. Nevertheless, economic concerns appear to have played a far larger role in shaping the Revolution than proponents of an exclusively ideological interpreta-

tion profess. Indeed, the whole idea that the two explanations are somehow separate and exclusive seems specious and ill conceived. People are complex creatures, and there is no reason to imagine that human motivations were any less complex in 1776 than at present. Only by blending the economic and ideological interpretations can we approach a proper understanding of why the Revolution was fought.

Appendix



Key to Column Headings and Abbreviations

Age	Age at the outbreak of hostilities in 1775.
Tax	Assessed annual value of real estate, from the 1771 tax lists. (Massachusetts Archives CXXXII: 92–147.)
N	An “X” indicates birth elsewhere than the British colonies in North America (in most cases Scotland).
S	An “S” indicates that written evidence of smuggling exists for the merchant.
Religion	Religious affiliation: Cong–Congregationalist; Angl–Anglican; Pres–Presbyterian; Sand–Sandemanian; Quak–Quaker; Bapt–Baptist. The name of the church follows in parentheses. A slash indicates a change from one church to another or from one religion to another. Church membership is based on pew lists whenever possible. If membership is assigned on the basis of marriage or baptismal records, the name of the church is followed by a question mark.

Business	Business specialty, based on customs records, an abstract of newspaper advertising, and/or the merchant's own letter-books. A slash indicates a change from one business specialty to another.
Loyalty	Loyalty, based on the types of sources described in the Introduction. Merchants are not designated either patriots or Loyalists without written documentation. Those who remained in Boston but refused to associate themselves clearly with one side or the other are listed as "neut." A question mark designates those for whom no information exists. Those who died, went bankrupt (bkpt), or departed (dptd) are so noted, followed by the date.
TP	Tax Petition: a petition for the abatement of Boston's taxes, December 11, 1755. (Massachusetts Archives CXVII: 51–54.) Associations with a patriot slant to them are suggested throughout the appendix by an "x."
AIS	Agreement to Inform on Smugglers. (<i>Boston Evening Post</i> , December 6, 1756.) Associations with a government party or Loyalist bias are suggested throughout the appendix by an asterisk.
PSP	Province Ship Petition: a petition that the provincial warship should not be used for purposes other than guarding the coast.
GCP	General Court Petition: the petition of the merchants in the case of <i>Gray v. Paxton</i> , December 1760. (Josiah Quincy, Jr., <i>Reports of Cases Argued and Adjudged in the Superior Court</i> [Boston: Little, Brown, 1865], p. 412.)
WP	Writs Petition: the petition of the merchants against the writs of assistance, January 1761. (Quincy, <i>Reports</i> , p. 412.)
BP	Barons Petition: the petition of the Boston merchants that Benjamin Barons be restored as collector of customs. (Memorial of the Boston Merchants, August 14, PRO Treasury 1/408, f. 122.)
BSETC	Boston Society for Encouraging Trade and Commerce: the charter members of the society. (Ezekiel Price Papers, f. 78–81, MHS.)
HCP	House of Commons Petition: the petition of the BSETC to the House of Commons, January 1767. (Ezekiel Price Papers, ff. 293–294, MHS.)

- LM Linen Manufacture: subscribers to the Town Linen Manufactory, March 15, 1768. (Ezekiel Price Papers, ff. 195–196, MHS.)
- SN Subscribers to the Nonimportation Agreement, March 1, 1768. (Compiled from the Samuel Phillips Savage Papers, MHS.) An “x” also indicates those who agreed to sign if the agreement became general and those who signed a separate agreement not to purchase goods from importers. (Manuscript Large, MHS.) Those who refused to sign the nonimportation agreement are indicated by an “r.”
- VN Violators of Nonimportation. (Compiled from John Mein’s *Boston Chronicle* and the Ezekiel Price Papers, MHS.) An “M” indicates a major violator and an “m” a minor violator.
- PAR Petition Against the Regulars, June–July 1769. (Manuscript Boston Loose Papers, 1769, New England Historic Genealogical Society.)
- SL Sons of Liberty: “An Alphabetical List of the Sons of Liberty Who dined at Liberty Tree, Dorchester, August 14, 1769.” (MHS *Proceedings* XI (1869): 140–142.)
- PA Petition Against the Auctioneers: “The Memorial of Isaac Smith and Others . . .,” January 20, 1774. (Massachusetts Archives, CXX: 733–734.)
- TS Tea Subscription: “A List of the Principal Dealers in Tea . . .,” January 20, 1774. (Manuscript Large, MHS.) An “x” also indicates those who were willing to cease selling tea if the agreement became general and those who were only willing to cease selling dutied tea. Those who refused to sign are indicated by an “r.”
- CA Continental Association: a list of the members of the committee appointed by the town to enforce the Continental Association, December 7, 1774. (*Boston Town Records*, 1770–1777, pp. 205–207.)
- NEC North End Caucus: “Proceedings of the North End Caucus,” in E. H. Goss, *The Life and Times of Colonel Paul Revere*, 2 vols. (Boston: J. G. Cupples, 1891), II, pp. 635–644.
- FH Farewell to Hutchinson: signers of the farewell address to Thomas Hutchinson, May 28, 1774. (MHS *Proceedings*, First Series, XI: 43–44.)

- PSL Protestors against the Solemn League and Covenant, July 7, 1764. (MHS *Proceedings*, First series, xii: 43–44.) Signers of the so-called “Little Pope,” a second petition of moderate merchants against the Solemn League and Covenant, are also marked by an asterisk. (*Massachusetts Gazette and Boston Newsletter*, July 9, 1774.)
- WG Welcome Gage: signers of the Welcoming Address to Governor Gage. *Massachusetts Gazette and Boston Newsletter*, July 9, 1774.
- FG Farewell Gage: signers of the Farewell Address to Governor Gage. (*Essex Gazette*, November 2, 1775.)
- E Emigrant: a list of those who left Boston aboard the British fleet, March 1776. (James H. Stark, *Loyalists of Massachusetts and the Other Side of the American Revolution* [Boston: privately printed, 1910], pp. 134–136.)
- TLL7 Town List of Loyalists, 1777: “A List of Persons belonging to the town as have been endeavouring . . . to counteract the united struggles of this & neighboring States, 1777.” (*Reports of the Record Commissioners of the City of Boston* [Boston: Rockwell and Churchill, 1876–1909], xviii: 281–282.)
- LL8 Loyalist List, 1778. “A List of Names . . . of Persons . . . supposed to be Inimical, March, 1778.” (Manuscripts Large 1, ii: 18, New England Historic Genealogical Society.)
- B Banished by Act of the State of Massachusetts, 1778. (Stark, *Loyalists*, pp. 137–143.)
- A “An Account of Land owned by Absentees,” 1781. (Manuscripts Large 1, i: 79, New England Historic Genealogical Society.)

Note: For various reasons, a number of persons are included in the appendix who are not members of the sample of 425 overseas merchants active in Boston during the period 1760–1774.

Name	Age	Tax	N	S	Religion	Business
Abbot, Samuel	43	40			Pres (Irish Mtg)	dry goods
Abraham, Nathaniel		13			Angl (Christ's)	gen merch
Allen, Jolley		33	X		Angl (King's)	shopkeeper
Amory, John, I	47				Cong (Brattle)	gen merch, dry goods
Amory, Jonathan		46				gen merch, dry goods
Amory, Thomas	54	66			Cong (Brattle)	distiller
Anderson, James		40	X			factor
Andrews, Benjamin, Jr.	34	20			Cong (2nd)	gen merch
Andrews, John	32	21			Cong (Brattle)	brazier
Appleton, John						dry goods
Appleton, Nathaniel	44	40			Cong (Brattle)	dry goods/chandler
Apthorp, James	49				Angl (King's)	dry goods
Apthorp, Thomas		20				distiller, dry goods
Atkinson, John			X			
Austin, Benjamin	69	49		S	Cong (1st/Brattle)	ropemaker
Austin, Samuel	54	33			Cong (Brattle)	wine merch, shopkeeper
Avery, John, Jr.	36				Cong (West)	distiller, WI, slaves
Avery, John, Sr.	64			S	Cong (West)	distiller, WI, slaves
Aylwin, Thomas			X		Cong (West)	factor
Baker, John		33			Cong (Brattle)	sugar baker
Baker, William, Jr.			X			dry goods
Baldwin, Cyrus		13				shopkeeper
Bant, William		40				shopkeeper
Barber, Nathaniel	47	37				insurance
Barrell, Colburn	40	33			Sand	factor
Barrell, Joseph	35	20			Cong (Brattle)	dry goods
Barrett, Jonathan	67	86			Cong (Brattle)	gen merch, S Eur, dry g
Barrett, Samuel	36	47			Cong (New North)	gen merch/lawyer
Barrick, James	44	41			Angl (Christ's)	gen merch/customs
Bass, Henry	36	16			Cong (Hollis)	WI
Bass, Moses Belcher	44	20			Cong (Hollis)	dry goods
Belcher, Sarson	34					hatter, Ind trade
Bernard, John			X			dry goods
Berry, Edward (John?)						shopkeeper, books
Bethune, George	55				Angl (Trin)	gen merch, govt cont
Bethune, Nathaniel					Angl	gen merch, provisions
Black, Andrew		13				broker
Black, David			X			
Blair, Robert			X			factor
Blair, William			X		Cong (Brattle)	factor
Blake, John						gen merch, ex-sea capt
Blanchard, Caleb	45	40			Angl (King's)	dry goods, shopkeeper
Blanchard, Edward					Cong (1st/Brattle)	brazier, shopkeeper
Blanchard, Joshua		26				dry goods, shopkeeper
Boardman, William		26				shopkeeper

Name	Age	Tax	N	S	Religion	Business
Bourn, Melatiah		46		S	Cong (West/Brattle)	gen merch, WI, S Eur
Boutineau, James	65		X		Angl (Trin)	merch/lawyer
Bowdoin, William					Cong	merch/land speculator
Bowes, Nicholas	38	46				shopkeeper, books
Bowes, William	41	40			Cong (Brattle)	brazier
Box, John		40			Ang (King's)	ropewalk
Boyer, Peter	49	36			Cong (Brattle)	
Boylston, John	66					
Boylston, Nicholas		53			Cong (Brattle)	gen merch
Boylston, Nicholas Ward		20			Cong (Brattle)	
Boylston, Thomas	53	27		S	Cong (Brattle)	gen merch, slaves
Bradford, John		38		S	Cong (Hollis)	gen merch, ex-sea capt
Brattle, Thomas	33	16			Cong (Brattle)	inactive merch
Breck, Samuel		13				
Breck, William		33				brazier, shopkeeper
Bridgham, Ebenezer	30					
Bridgham, James						dry goods
Brimmer, Alexander			X			
Brimmer, Andrew					Cong (Brattle)	gen merch
Brimmer, Herman	36				Angl (King's)/ Cong (1st)	gen merch
Brinley, George						distiller
Brinley, Thomas	49	46			Angl (King's)	distiller
Bromfield, Henry	48			S		WI, broker
Bromfield, Thomas	42					shopkeeper, books
Brown, Thomas						shopkeeper
Browne, John		13				
Bruce, James					Cong (West?)	ex-sea capt
Bruce, Stephen					Cong (West)	factor?
Bumstead, Jeremiah, Jr.		20			Cong (Old South)	
Burton, William		16	X		Cong (Brattle)	dry goods
Calef, Samuel					Angl (Trin)	wine merch
Capen, Hopestill	44	33			Sand	dry goods, shopkeeper
Carnes, Edward		76	X		Cong (West)	factor
Cary, Nathaniel		13				dry goods, shopkeeper
Cazneau, William		13				shopkeeper
Chase, Thomas	29					distiller
Cheever, Ezekiel	55	27				distiller, sugar baker
Cheever, William Downe		20				
Clark(e), Benjamin	45	16				brazier
Clarke, Christopher	37					dry goods
Clarke, Edward					Cong (Brattle)	
Clarke, Isaac W.	29					gen merch, tea consign
Clarke, Jonas	49	53				brazier, shopkeeper
Clarke, Jonathan	31					gen merch, tea consign
Clarke, Richard	64			S	Cong (Brattle)	gen merch, WI, tea con

Loyalty	TP	AIS	PSP	GCP	WP	BP	BSETC	HCP	LM	SN	VN	PAR	SL	PA	TS	CA	NEG	FH	PSL	WG	FG	E	TLL7	LI8	B	A
Pat.	x			x	x		x			x								*	*	*		*			*	
Loy.	x			x	x																					
died 1773			x				x												*	*	*				*	
neut.								x		x	m		x					*	*	*	*	*		*	*	*
Loy.																										
died 1774	x	*	x																*	*	*	*	*		*	*
Pat.				x	x	x	x	x	x			x	x				x									
Loy.	x		x	x	x	x	x	x																		
died 1771	x	*	x			x	x	x		r	M															
neut.																										
neut.	x		x	x	x	x	x			x																
Pat.	x							x	x				x													
Loy.													x												*	
Pat.																										
Loy.										x								*	*	*	*	*		*	*	*
? ?													x													
Loy.																			*	*	*	*	*	*	*	*
bkpt 1768										x									*	*	*	*	*	*	*	*
Loy.																				*	*	*		*	*	*
Pat.																					*	*	*	*	*	*
Pat.									r	M				x							*	*	*	*	*	*
Pat.									x	m			x	x	x	x										
Loy.																		*	*	*	*	*		*	*	*
Loy.	x		x															*	*	*	*	*		*	*	*
Pat.	x		x			x												*	*	*	*	*		*	*	*
dptd.						x	x									x			*	*	*	*	*	*	*	*
Loy.							x															*				
died 1768?			x	x	x				x				x											*	*	*
Loy.										m														*	*	*
Pat.													x					*	*	*	*			*	*	*
Pat.									x															*	*	*
Loy.																		*	*	*	*			*	*	*
Pat.	x		x			x																	*	*	*	*
Loy.									x				x					*	*	*	*	*	*	*	*	*
Pat.	x		x																							
Loy.	x							x	x	m	x		x					*	*	*	*	*	*	*	*	*
died 1775																		*	*	*	*	*	*	*	*	*
Pat.																										
Pat.																										
Loy.																										
died 1775									x	m	x							*	*	*	*	*	*	*	*	*
Pat.																										
Pat.																										
Loy.																										
died 1775									x	m	x							*	*	*	*	*	*	*	*	*
Pat.																										
Pat.																										
Loy.																										
died 1775									x	m	x							*	*	*	*	*	*	*	*	*
Pat.																										
Pat.																										
Loy.																										
died 1775									x	m	x							*	*	*	*	*	*	*	*	*
Pat.																										

Name	Age	Tax	N	S	Religion	Business
Clarke, William		40				
Cleverly, Stephen						brazier, shopkeeper
Coffin, John	46	53			Angl (Trin)	distiller, S. Eur
Coffin, Nat., Jr.	27					factor
Coffin, Nathaniel	50				Angl (Trin)	broker
Coffin, William, Jr.		40			Angl (Trin)	broker
Cooper, William	54			S	Cong (Brattle)	retired gen merch
Corbett, William			X		Pres (Irish Mtg)	distiller
Cox, Edward			X			shopkeeper, books
Crafts, Thomas, Jr.						color merch, shopkeeper
Cummings, Amc & Eliz.		26			Angl (King's)	shopkeepers, millinery
Cunningham, Archibald		33	X		Cong (Brattle)	shopkeeper
Cunningham, John	44	33			Cong (1st)	dry goods
Cushing, John		26			Cong (Brattle)	gen merch, ex-sea capt
Cushing, Thomas	50				Cong (Old South)	retired gen merch
Cutler, John	52	40			Angl (Trin)	brazier
Dashwood, Samuel						dry goods
Davies, William						dry goods, shopkeeper
Davis, Amasa					Cong (Hollis)	shopkeeper
Davis, Benjamin		46			Sand	gen merch
Davis, Caleb					Cong (Hollis)	chocolate grinder, shpkpr
Davis, Edward	45	47			Angl (Trin)	gen merch
Davis, Solomon		46		S	Cong (Brattle)	gen merch, S Eur
Davis, William	37	20			Cong (Brattle)	WI, ex-sea capt, shpkpr
Dawes, William		21			Cong (Old South)	shopkeeper
Deblois, Gilbert	50	60		S	Angl (King's)	gen merch, dry goods
Deblois, Lewis	67	40			Angl (King's)	gen merch, dry goods
Deming, Samuel						
Dennie, John	37				Cong (Brattle)	gen merch
Dennie, William		53				gen merch
Dexter, Samuel	49				Cong	dry goods
Dick(er)son, William			X			factor
Dolbeare, Benjamin	64	53			Cong (Old South)	provisions
Domett, Joseph	34	13				provisions, WI
Dorr, Harbottle						brazier, shopkeeper
Downe, Samuel	54	20			Cong (Brattle)	gen merch
Dowse, Joseph					Angl (Trin)	insurance/customs
Dumaresque, Philip	38			S		ex-sea capt
Eliot, Samuel		40				dry goods
Eliot, Samuel, Jr.		33			Cong (West)	
Erving, George	42			S	Angl (King's)	gen merch
Erving, John, Jr.	47	66			Angl (Trin)	gen merch
Erving, John, Sr.			X		Cong (Brattle)	gen merch
Eustis, Jane					Angl (Trin)	shopkeeper
Faneuil, Benjamin, Jr.	46				Angl (Trin)	broker

Loyalty	TP	AIS	PSP	GCP	WP	BP	BSE/TC	HCP	LM	SN	VN	PAR	SL	PA	TS	CA	NEC	FH	PSL	WG	FG	E	TLL7	LI8	B	A
Pat.	x										m															
Pat.										x	m	x	x	x				*	*	*				*	*	*
Loy.			x			x												*	*	*				*	*	*
Loy.																		*	*	*				*	*	*
Loy.			x			x					m							*	*	*	*	*	*	*	*	*
Pat.													x					*	*	*	*	*	*	*	*	*
died 1768						x	x														*	*	*	*	*	*
Loy.										x	m							*	*	*				*	*	*
Pat.									x			x								*	*	*	*	*	*	*
Pat.											M										*	*		*	*	*
Loy.										x	m	x	x	x							*	*	*	*	*	*
Loy.																						*	*	*	*	*
neut.?										x	m	x	x	x								*	*	*	*	*
Pat.										x			x										*	*	*	*
Pat.	x					x	x			x			x													
Pat.									x	x			x													
Pat.										x	m		x													
Loy.													x	x	x	x				*						
Pat.														x	x			*	*	*	*	*	*	*	*	*
Pat.	x											x	x					*	*	*	*	*	*	*	*	*
Pat.	x								x	x		x	x							*	*	*	*	*	*	*
Pat.										x	m	x	x								*	*	*	*	*	*
Pat.												x	x							*	*	*	*	*	*	*
Loy.		*	x			x	x							x				*	*	*	*	*	*	*	*	*
Loy.						x	x				M				x			*	*	*	*	*	*	*	*	*
died 1771	x	*	x			x	x	x										*	*	*	*	*	*	*	*	*
bkpt 1768			x		x	x	x	x										*	*	*	*	*	*	*	*	*
Pat.	x		x			x	x				m	x	x													
Pat.			x	x	x	x	x											*	*	*	*	*	*	*	*	*
Loy.																		*	*	*	*	*	*	*	*	*
Pat.						x	x	x		x			x					*	*	*	*	*	*	*	*	*
Loy.																					*	*	*	*	*	*
Pat.	x									x		x	x	x								*	*	*	*	*
Pat.																										
Loy.			x															*	*	*	*	*	*	*	*	*
Loy.																		*	*	*	*	*	*	*	*	*
Pat.								x		x		x	x					*	*	*	*	*	*	*	*	*
?										x		x	x					*	*	*	*	*	*	*	*	*
Loy.			x	x	x		x	x			m	x	x					*	*	*	*	*	*	*	*	*
Loy.	x		x	x	x	x	x						x					*	*	*	*	*	*	*	*	*
died 1771																				*	*	*	*	*	*	*
Loy.		*	x								r	m									*	*	*	*	*	*

Name	Age	Tax	N	S	Religion	Business
Fellows, Gustavus					Cong (Hollis)	ex-sea capt, coastal
Fisher, William						dry goods
Fitch, Timothy	50	53			Cong (Brattle)	gen merch, WI, slaves
Fletcher, Samuel		28				gen merch
Folger, Timothy						WI, whaling/customs
Forrest, James		20	X			
Foster, Bossenger	32	27			Cong (West)	factor
Foster, William					Cong (West)	
Freeman, Philip, Jr.		33			Bapt	
Freeman, Philip, Sr.		33			Bapt (1st)	gen merch, shopkeeper?
Gale, William		26			Cong (West?)	
Gardiner, Sylvester					Angl (King's)	apothecary/land spec
Gardner, Joshua		26				dry goods, shopkeeper
Gay, Martin	49	48			Cong (West)	brazier
Geyer, Frederick Wm.		36				dry goods, wharfinger
Gill, Moses	41	80			Cong (Brattle?)	brazier
Gillam, Jane						
Gillespie, John						gen merch
Gooch, John	76				Angl (Trin)	gen merch
Gordon, James			X		Angl (King's?)	
Gordon, Robert			X		Angl (Trin)	WI
Gore, John, Jr.						dry goods, shopkeeper
Gore, John, Sr.	57	60			Cong (Brattle)	color merch, shopkeeper
Gould, John, Jr.					Angl (Trin)	gen merch
Gould, John, Sr.		46			Angl (Trin)	gen merch
Gould, Robert		53			Angl (Trin)	gen merch
Gould, William					Angl (Trin)	gen merch
Grant, Samuel	70	46			Angl (Christ's)	gen merch
Gray, Benjamin					Cong (1st)	gen merch
Gray, Ellis						whaling
Gray, Harrison, Jr.					Cong (West?)	gen merch
Gray, John	62					ropemaker
Gray, Lewis		13			Cong (Brattle)	gen merch
Gray, Samuel		20				gen merch
Gray, Thomas					Cong (Brattle)	
Gray, William		33			Cong (1st)	Indian trade
Green, Francis	33	46			Cong (Brattle)	dry goods
Green, George	33	40				dry goods, shopkeeper
Green, Joseph					Cong (Brattle)	gen merch
Green, Joseph	69	60				gen merch
Green, Joshua	44	40			Cong (Brattle)	gen merch
Green, Richard	45				Angl (Trin)	brazier, shopkeeper
Greene, Benjamin		40			Angl (Trin)	gen merch, S Eur
Greene, Benjamin, Jr.						gen merch
Greene, David	26					gen merch

Loyalty	TP	AIS	PSP	GCP	WP	BP	BSETC	HCP	LM	SN	VN	PAR	SL	PA	TS	CA	NEC	FH	PSL	WG	FG	E	TL1.7	LI.8	B	A
Pat. died 1770						x	x	x		x																
Pat. ?			x	x	x			x		x			x													
?			x							r	M															
Loy. Pat.											M							*	*	*		*		*	*	
Pat.													x			x										
Pat.													x			x										
?										x					x											
?									x	x					x											
Pat.										x																
Loy. neut.											x							*	*	*	*	*		*	*	*
Loy.																		*	*	*	*	*		*	*	*
Loy.											x			x					*					*	*	*
Pat.								x	x	x		x	x			x								*	*	*
?										x																
?											m															
?	x		x	x	x		x	x																		
died 1770																										
?																										
died 1771										x		x														
Loy.										x	m		x					*	*	*	*	*		*	*	
neut.?				x			x	x						x												
died 1772		*	x																							
Pat.		*	x				x	x																		
?		*	x				x																			
neut.			x				x																			
Pat.				x	x		x	x		x		x	x	x												
Pat.						x																				
Loy.									x									*	*	*				*	*	
Pat.																				*				*	*	
Loy.										x			x								*	*		*	*	
bkpt 1762																x					*	*		*	*	
died 1774			x	x	x	x	x	x				m						*	*	*						
died 1775									x	x				x	x											
Loy.											M			x	x			*	*		*	*		*	*	
dptd										x				x												
died 1765	x											M						*	*	*		*			*	
Loy.			x			x	x	x			M		x					*	*	*		*			*	
neut.										x		x	x								*	*	*	*	*	
Loy.										x	m										*	*	*	*	*	
Loy.		*	x			x				x	M							*	*	*		*	*	*	*	*
?										x			x					*	*	*		*	*	*	*	*
Loy.														x				*	*	*		*	*	*	*	*

Name	Age	Tax	N	S	Religion	Business
Greene, John	44				Angl (Trin)	gen merch
Greene, Joseph, Jr.						gen merch
Greene, Nathaniel		40			Angl (Trin)	gen merch
Greene, Rufus	68				Angl (Trin)	
Greene, Thomas					Angl (Trin)	
Greene, Thomas, Jr.						gen merch
Greenlaw, John			X		Pres (Irish Mtg)	
Greenleaf, William	52	47			Cong (Brattle)	gen merch/auctioneer
Hall, Joseph		46			Cong (Brattle)	distiller
Hallowell, Benjamin, Sr.					Cong (Brattle)	shipwright
Hallowell, Briggs						dry goods
Hamock, John, Jr.					Ang (Trin)	dry goods
Hancock, Eben	34	27			Cong (West/(Brattle)	brazier
Hancock, John	38	60			Cong (Brattle)	gen merch
Hancock, Thomas				S	Cong (Brattle)	gen merch
Head, John		46			Angl (Trin)	sugar baker, factor
Henderson, Joseph		53			Cong (West?)	distiller
Henshaw, Joseph	48				Cong (Brattle)	
Henshaw, Joshua	72	73			Cong (Brattle)	distiller
Henshaw, Joshua, Jr.	30	26			Cong (New South)	distiller
Hewes, Samuel						gen merch
Hewes, Samuel, Jr.						dry goods
Hickling, Thomas						dry goods
Hill, Alexander	53	40				distiller
Hill, Henry	38	20				distiller
Hill, Thomas	32					distiller
Holmes, Benj. Mul.	37	46				distiller
Holmes, Nathaniel		60				WI, distiller
Homer, John		33				ex-sea capt
Hoskins, William		20		S		gen merch
Howe, Joseph		26				brazier?
Hubbard, Daniel	39	40			Angl (Trin)	gen merch
Hubbard, Thomas					Cong (Old South)	brazier
Hubbard, Tuthill						WI
Hubbard, William						gen merch
Hughes, Peter		20				WI, coastal
Hughes, Samuel, Jr.						gen merch
Hughes, Samuel, Sr.					Angl (Trin)	gen merch
Hunt, John III					Cong (Old South)	brazier
Hurd, John	48				Cong (West?)	gen merch
Hutchinson, Elisha	21				Cong	gen merch, tea consign
Hutchinson, Foster	51				Cong	dry goods
Hutchinson, Shrimpt.	59			S	Angl (King's)	gen merch
Hutchinson, Tho., Jr.	35	60				gen merch, tea consign
Hyslop, William	51				Angl (Christ's/Cong)	dry goods

Loyalty	TP	AIS	PSP	GCP	WP	BP	BSETC	HCP	LM	SN	VN	PAR	SL	PA	TS	CA	NEC	FH	PSL	WG	FG	E	TLL7	LL8	B	A
neut.			x		x	x	x	x				m	x													
?			x																							
died 1773						x		x		x			x													
Loy.	x	*	x							r	M							*	*	*			*			
died 1763	x	*	x	x	x	x	x																			
died 1766	x		x	x	x																					
Loy.										x								*	*	*			*		*	
Pat.				x	x			x		x	m	x	x			x									*	
Pat.												x	x													
died 1773	x	*		x			x	x																		
Pat.																										
died 1764							x			x						x										
Pat.									x	x	m	x		x			x									
Pat.	x	*											x			x										
died 1764										x																
Pat.	x												x		x											
neut.														x												
Pat.													x													
Pat.	x					x		x		x			x													
Pat.													x													
died 1764						x																				
Pat.?									x																	
?										x																
Pat.	x							x		x		x	x													
Pat.										x			x													
Pat.													x													
Loy.										x			x					*	*	*	*	*		*	*	*
died 1774			x	x	x	x				x		x	x			x										
Pat.			x										x				x									
Pat.													x													
neut.?													x				x									
Loy.		*	x			x	x	x	x	x	m							*	*	*	*		*		*	*
died 1773						x			x	r	m	x														
Pat.?	x		x			x												*	*	*	*					
?									x	x	m															
?													x					*	*	*						
Loy.										x								*	*	*	*	*		*	*	*
died 1768	x		x	x	x	x	x	x											*	*	*	*		*	*	*
Loy.						x			x	m				x							*		*			
Pat.			x				x																			
Loy.										r	M										*	*	*	*	*	*
Loy.	x		x				x													*	*	*	*	*	*	*
neut.?	x		x	x	x	x	x														*	*	*	*	*	*
Loy.																					*	*	*	*	*	*
Pat.	x					x	x			r	M	m											*	*	*	*

Name	Age	Tax	N	S	Religion	Business
Inches, Henderson					Cong (Old South/ West)	gen merch
Ingraham, Duncan (Jr.?)		46				WI
Inman, Ralph	62				Angl	dry goods
Ivers, James		46			Angl (King's)	WI, distiller
Ivers, Thomas		46			Angl (Christ's)	WI, distiller
Jackson, Clement						dry goods
Jackson, James						dry goods
Jackson, Joseph	69	66			Cong (Brattle/ Old So)	gen merch
Jackson, Thomas, Jr.					Cong (Brattle)	gen merch
Jackson, William	44	40			Cong (Brattle)	brazier
Jarvis, Leonard					Cong (West?)	dry goods
Jenkins, Robert, III					Angl (Christ's)	dry goods
Johnson, Eleazer	49	33			Angl (Christ's)	chandler, slaves
Johonnot, Andrew	40	46			Angl (King's)	distiller
Johonnot, Francis					Angl (King's)	distiller
Johonnot, Peter	46				Cong (Hollis)	distiller
Jones, Daniel					Cong (West)	dry goods, shopkeeper
Jones, Ichabod		26			Cong (2nd)	WI, ex-sea capt
Jones, William		26			Angl (Christ's)	dry goods, shopkeeper
Kilby, Wm. Tyler					Cong (West)	brazier
Kneeland, Batholomew		26				dry goods, shopkeeper
Kneeland, John		26			Cong (Old South)	shopkeeper
Knight, John					Angl (King's?)	dry goods
Knight, Thomas		26	X			dry goods
Langdon, John		20			Cong (West)	chandler
Laughton, Henry, Jr.		40	X		Angl (Christ's/Trin)	gen merch, factor
Lechmere, Richard	49				Angl (Christ's, Cantab)	distiller
Lee, Jeremiah						WI, S Eur
Lee, Joseph	64				Angl (Christ's, Cantab)	
Leverett, John	48	33				gen merch
Leverett, Thomas	43	33				dry goods
Lewis, Ezekiel, Sr.	58				Cong (Old South)	dry goods
Liddle, Henry		26			Angl (King's)	factor
Lillie, Theophilus	45					dry goods, shopkeeper
Lloyd, Henry	65	53		S	Angl (King's)	factor
Loring, Nathaniel					Cong (Hollis)	coastal
Lovell, James	38				Cong (Brattle)	dry goods/teacher
Lowell, John		13			Cong (1st)	factor, shopkeeper
Lyde, Edward	39					
Lyde, Nat. Byfield	40					ship captain
McAlpine, William			X			
McCarthy, Daniel						
Mackay, William					Pres (Irish Mtg)	coastal
Malcom, Daniel				S	Angl (Christ's)	gen merch
McMasters, Daniel	21		X			dry goods

Name	Age	Tax	N	S	Religion	Business
McMasters, James		13	X			dry goods
McMasters, Patrick		13	X			dry goods
McNeil, Archibald	25		X		Cong/Angl (King's)	baker, coastal
Marsh, Daniel		20				dry goods, shopkeeper
Marston, John	55	40				wine merch, innkeeper
Mason, Jonathan		66			Cong (Old South)	brazier
Matchett, John		27				
Maxwell, William		33				shopkeeper, groceries
Mein, John			X			printer, stationer
Melvill, Thomas	24				Cong (Brattle)	
Miller, Charles		33				
Minot, Samuel		22			Cong (Brattle)	shopkeeper, goldsmith
Molineux, William				S		gen merch
Moodie, William						
Murray, James			X			sugar baker
Nazro, John		40				shopkeeper
Newell, Timothy	57	46			Cong (Brattle)	brazier
Newman, Henry					Cong (Brattle)	gen merch
Otis, Sam. Allyne	35	60			Cong (West/Brattle)	gen merch, S Eur
Palfrey, William						dry goods, shopkeeper
Palmer, Joseph	25				Cong (West)	chandler
Parker, Benjamin						dry goods
Parker, Daniel		26				shopkeeper
Parker, Thomas, Jr.					Cong (West)	
Parker, Elias	28	20				shopkeeper
Parkman, Samuel						
Partridge, Samuel	34	27			Cong (1st)	shopkeeper, ex-sea capt
Payne, Edward		40		S	Cong (Brattle)	gen merch, S Eur
Peck, Thos. Handasyd		53				hatter, Indian trade
Peirce, Isaac		53			Cong (Old South)	distiller
Peirce, Joseph	30				Cong (Old South)	distiller
Penny, Timothy		53				
Perkins, James	59	40		S	Angl (Trin)	gen merch
Perkins, John, Jr.		26				stationer, shopkeeper
Perry, William			X			WI
Phillips, Isaac		26			Cong (West)	ex-sea capt
Phillips, William	53	93			Cong (Old South)	dry goods
Phillips, Wm., Jr.	25	26			Cong (Old South)	
Pierpoint, Robert					Cong (Old South)	housewright
Pigeon, John					Angl (Christ's)	gen merch
Pitts, James	65	66			Cong (Brattle)	gen merch
Pitts, John	38	27			Cong (Brattle)	dry goods
Pool, Fitch					Angl (Trin)	WI
Powell, John, II	60	46			Angl (King's)	gen merch
Powell, William					Cong (1st)	gen merch, S Eur

[illegible]

Name	Age	Tax	N	S	Religion	Business
Prentiss, Henry	26	13				
Price, Ezekiel	47				Cong (West)	insurance
Prince, Christopher				S	Cong (West)	coastal, ex-sea capt
Prince, Job		40			Cong (West)	gen merch
Pullin(g), John	38	30			Angl (Christ's)	
Quincy, Edmund, Jr.					Cong (Brattle)	broker
Quincy, Edmund, III				S	Cong (West)	broker/chandler
Quincy, Henry						broker
Renkin, Susannah		33				shopkeeper, seeds
Richardson, James		53				distiller
Rogers, Nathaniel					Angl	dry goods
Rogers, Samuel						factor
Rotch, Joseph					Quak	whaling, dry goods
Rotch, William					Quak	
Rowe, John	60			S	Angl (Trin)	gen merch
Ruddock, John	63	33				retired merch?
Ruggles, Robert						
Ruggles, Samuel, Jr.		40				
Russell, Thomas						gen merch
Salter, John						brazier
Salter, Richard		26				dry goods
Savage, Arthur	44				Angl/Cong (2nd)	WI/customs
Savage, Habijah		26			Cong (Brattle)	WI
Savage, Samuel Phil.	57				Cong (Brattle)	insurance
Sayward, Jonathan						gen merch
Scollay, John	63				Cong (Old South/Brat)	gen merch
Scott, John						brazier
Scott, Joseph	53	40			Cong (Brattle)	brazier
Scott, William		26				
Selkrig, James		46	X			dry goods
Selkrig, Robert			X			dry goods
Semple, John	64		X			shopkeeper
Semple, Robert			X			
Service, Robert						shopkeeper
Shattuck, William	26					
Shaw, Francis	54				Angl (Christ's)	
Sherburne, Joseph	65	66		S	Cong (Brattle)	WI
Sigourney, Charles						
Silsby, Daniel					Quak	shopkeeper
Simpkins, John	35	26			Cong (New North)	dry goods
Simpson, John, Jr.						gen merch
Simpson, John, Sr.					Angl (Trin)	gen merch
Simpson, Jonathan, Jr.	25				Angl (Christ's, Cantab)	gen merch
Simpson, Jonathan, Sr.						gen merch
Simpson, William						gen merch

Loyalty	TP	ALS	PSP	GCP	WP	BP	BSETC	HCP	LM	SN	VN	PAR	SL	PA	TS	CA	NEC	FH	PSL	WG	FG	E	TLL7	LI8	B	A
Pat.							x			x			x		x	x										
Pat.							x						x													
?							x																			
Pat.										x			x	x		x										
died 1771																										
bkpt 1761				x				x																		
died 1768																										
bkpt 1766																										
?									x																	
Pat.	x									r	M															
died 1770			x																*					*	*	
Loy.																										
?							x				M															
?											M															
Pat.	x	*		x	x	x	x	x	x	x	M															
died 1772									x			x					x									
?															x											
?															x											
neut.								x		x	m															
dptd 1775									x																	
Pat.							x	x					x	x												
Loy.																										
Pat.													x													
Pat.							x																			
Pat.				x	x		x																			
Pat.	x			x	x	x	x			x		x	x			x										
Pat.																										
Pat.							x	x		x			x					*	*	*	*	*		*	*	*
Loy.			x		x	x	x			x								*	*	*	*	*		*	*	*
neut.?											m		x	x	x			*	*	*	*	*		*	*	*
Loy.										x	M							*	*	*	*	*		*	*	*
dptd 1774										x	M							*	*	*	*	*		*	*	*
Loy.															x			*	*	*	*	*		*	*	*
Loy.																		*	*	*	*	*		*	*	*
Loy.										m					x			*	*	*	*	*		*	*	*
Pat.																x								*	*	*
Pat.							x																	*	*	*
Pat.	x	*				x		x		x								*				*		*	*	*
Pat.																								*	*	*
Loy.										x					x			*		*	*	*		*	*	*
Pat.										r										*	*	*		*	*	*
Loy.																				*	*	*		*	*	*
died 1764	x		x																	*	*	*		*	*	*
Loy.																				*	*	*		*	*	*
Loy.	x	*	x				x	x		r	m							*	*	*	*	*		*	*	*

Name	Age	Tax	N	S	Religion	Business
Smith, Henry	40					gen merch
Smith, Isaac	56	86			Cong (Brattle)	gen merch, S Eur
Smith, John					Cong (Brattle)	dry goods
Smith, Oliver		13				apothecary, shopkeeper
Smith, Richard		26	X			dry goods
Smith, William		33				
Snelling, Jonathan		40				factor
Sparhawk, Sam. Hurst	23					inactive merch?
Spooner, George						
Spooner, John Jr.						gen merch
Spooner, John, Sr.					Cong (Brattle)	gen merch
Spooner, William						gen merch
Stoddard, Thomas		16				
Storer, Eben, II	45	60			Cong (Brattle)	broker
Sturgis, Samuel	69				Cong (Brattle)	gen merch
Swan, James	31				Cong (West)	
Sweetser, John, Jr.						broker
Symmes, John		20				factor
Symmes, Thomas	46	46				
Tarbutt, Hugh			X			dry goods
Taylor, John		26				dry goods
Taylor, Joseph	29				Angl	dry goods
Taylor, Nathaniel						
Taylor, William	61			S	Cong (Old South)	gen merch
Thayer, Zephion						upholsterer, shopkeeper
Thom(p)son, William			X		Pres (Irish Mtg)	
Thompson, James		26	X			gen merch
Timmins, John		46	X		Angl (Trin)	gen merch
Torrey, Samuel		20			Cong (Old South)	dry goods, stationer
Townsend, Wm. Blair	52	34			Cong (1st)	dry goods
Tudor, John	66					
Tufts, Simon						gen merch
Turrell, Joseph					Cong (Brattle)	broker
Tyler, Joseph					Cong (West)	brazier
Tyler, Royall					Cong (2nd)	dry goods, inactive
Tyler, Thomas					Cong (2nd)	
Vernon, Fortesque	60	47		S		WI
Vernon, William		20				WI
Waldo, Benjamin						ex-sea capt
Waldo, Daniel	51				Cong (1st)	brazier
Waldo, John	55				Cong (2nd)	WI
Waldo, Joseph	53					brazier
Waldo, Thomas	57					
Walker, Thomas						
Walley, Thomas	50	53		S	Cong (West)	gen merch

Loyalty	TP	AIS	PSP	GCP	WP	BP	BSETC	HCP	LM	SN	VN	PAR	SL	PA	TS	CA	NEG	FH	PSL	WG	FG	E	TLL7	LI8	B	A
Loy.																										
Pat.			x			x	x	x		x	m											*			*	
died 1768										x			x	x												
Pat.														x												
Loy.									x	x	m		x	x				*	*	*				*	*	
neut.?													x					*	*	*					*	*
Loy.													x	x				*	*	*		*		*	*	*
Loy.																		*	*	*		*		*	*	*
Loy.												x	x	x				*	*	*		*		*	*	*
died 1768	x	*	x	x	x	x	x	x		x								*	*	*		*		*	*	*
died 1765			x	x	x																					
Pat.													x													
Pat.														x												
Pat.								x	x	x				x	x											
died 1767			x				x																			
Pat.																										
neut.?										x		x				x										
Pat.													x													
?								x						x												
died 1775											m							*	*	*		*				*
Loy.							x			r	m							*	*	*		*		*	*	*
Loy.																		*	*	*		*		*	*	*
Loy.			x															*	*	*		*		*	*	*
Loy.	x		x				x			x								*	*	*		*		*	*	*
neut.										x								*	*	*		*		*	*	*
Pat.			x	x	x	x	x			x								*	*	*		*		*	*	*
Loy.?				x	x			x		x												*				
Loy.		*	x			x	x	x		r	m		x	x				*	*	*	*	*				
died 1768																										
Pat.	x									x		x		x												
Pat.				x	x	x	x			x		x														
Loy.																						*		*	*	*
?																		*	*	*			*	*	*	*
died 1774	x					x				x			x	x				*	*	*				*	*	*
died 1771	x					x	x			r			x	x												
died 1770	x			x	x					r			x	x												
Pat.						x	x			x			x				x									
?																										
Pat.	x											x					x									
neut.?						x	x	x		x		x	x	x												
neut.?				x	x	x	x					x	x													
neut.	x					x	x	x	x	x		x	x													
neut.?	x		x				x					x	x													
?	x					x	x																			
Pat.										x		x	x													

Name	Age	Tax	N	S	Religion	Business
Wallis, Samuel		26				
Warden, James		13	X			factor, slaves
Waterhouse, Samuel					Cong (Brattle)	gen merch/customs
Waters, Josiah	54	35			Cong (Old South)	shopkeeper, paints
Webb, Barnabas		26			Cong (Old South)	shopkeeper
Webb, John		53			Cong (Brattle)	shopkeeper
Webster, Grant	58	13				broker
Welch, John	64				Cong (Brattle)	WI
Welch, John, Jr.						
Welles, Arnold	48	56		S		gen merch
Welles, James		29				distiller
Welles, Samuel, Jr.	50				Cong (Hollis?)	WI
Welsh, John						
Wendell, Oliver	42	40			Cong (Brattle)	whaling
Wentworth, Samuel					Angl (King's)	gen merch
Wharton, John						shopkeeper, stationery
Wheatley, Nathaniel		20			Angl (King's)	factor
Wheelwright, John						gen merch
Wheelwright, Nathaniel					Angl (King's)	gen merch
White, John		36			Cong (Hollis?)	Indian trade, ex-sea capt
White, William		73			Pres (Irish Mtg)	shipwright
Whitwell, Samuel	58	46			Cong (Old South)	brazier
Whitwell, William		40			Cong (Old South)	WI
Williams, Jonathan	75	60			Cong (Brattle)	gen merch
Wilson, Archibald			X			factor
Wingfield, William						dry goods
Winniett, John						WI
Winslow, Isaac, Jr.	32	46			Cong (Old South)	distiller
Winslow, John		40			Cong (Old South)	gen merch
Winslow, John, Jr.						
Winslow, Joshua						WI, distiller
Winslow, Joshua, Jr.						dry goods, tea consign
Winthrop, John, Jr.	28				Cong (West?)	

[illegible]

Notes



Abbreviations Used in the Notes

AAS	American Antiquarian Society, Worcester, Mass.
BA	Boston Athenaeum, Boston
BC	<i>Boston Chronicle</i>
BEP	<i>Boston Evening Post</i>
BG	<i>Boston Gazette</i>
BL	Baker Library, Harvard Business School
BNL	<i>Boston Newsletter</i>
BPB	<i>Boston Postboy</i>
BPL	Boston Public Library
EG	<i>Essex Gazette</i>
HL	Houghton Library, Harvard University
MA	Massachusetts Archives, Boston
MG	<i>Massachusetts Gazette</i> , later <i>Massachusetts Gazette and Boston Newsletter</i>
MGBP	<i>Massachusetts Gazette and Boston Post-Boy</i>
MHS	Massachusetts Historical Society, Boston
NEHGS	New England Historic Genealogical Society, Boston
NYPL	New York Public Library, New York
PRO	Great Britain Public Record Office (sources cited in these notes can be found at the U.S. Library of Congress)

Introduction

1. Arthur M. Schlesinger, *The Colonial Merchants and the American Revolution, 1763–1776* (New York: Atheneum, [1918], 1968); Charles MacLean Andrews, "The Boston Merchants and the Non-Importation Movement," *Colonial Society of Massachusetts Transactions* XIX (1916–1917), 159–259; and Carl Becker, *A History of Political Parties in the Province of New York* (Madison: University of Wisconsin Press, 1907), p. 22.

2. Edmund S. Morgan, "Colonial Ideas of Parliamentary Power," *William and Mary Quarterly*, Third Series, v (1948), 311–341, and vi (1949): 162–170; Edmund S. and Helen M. Morgan, *The Stamp Act Crisis: Prologue to Revolution* (New York: Macmillan, [1953], 1962); Bernard Bailyn, *The Ideological Origins of the American Revolution* (Cambridge: Belknap Press, 1967); and Caroline Robbins, *The Eighteenth Century Commonwealthman: Studies in the Transmission, Development, and Circumstance of English Liberal Thought from the Restoration of Charles II until the War with the Thirteen Colonies* (Cambridge: Harvard University Press, 1959).

3. The sources from which biographical information were culled were diverse: church records, family and local histories, Boston tax accounts, *Sibley's Harvard Graduates*, the appendix of Stephen Patterson's unpublished master's degree thesis on Boston merchants, Jules Prown's compendium of the sitters for portraits by John Singleton Copley, and the Thwing file (a card file of miscellaneous information about all the prerevolutionary inhabitants of Boston) at the MHS. (Clifford Shipton, ed., *Sibley's Harvard Graduates: Biographical Sketches of those who Attended Harvard College . . .* (Boston: MHS, 1873–); Stephen Patterson, "Boston Merchants and the American Revolution to 1776" (unpublished M.A. thesis, University of Wisconsin, 1960); Jules D. Prown, *John Singleton Copley* (Cambridge: Harvard University Press, 1966), 2 vols.; and the 1771 Boston tax list, MA CXXXII: 92–147.)

4. Population estimates follow those of Gary B. Nash, *The Urban Crucible: Social Change, Political Consciousness, and the Origins of the American Revolution* (Cambridge: Harvard University Press, 1979), Appendix, Figure 1, p. 409. For officeholding, see Robert Francis Seybolt, *The Town Officials of Colonial Boston, 1634–1775*, (Cambridge: Harvard University Press, 1939).

5. The general features of trade with the West Indies at this time are best described in: Richard Pares, *Yankees and Creoles: The Trade Between North America and the West Indies before the American Revolution* (Cambridge: Harvard University Press, 1956); Richard Sheridan, *Sugar and Slavery: Economic History of the British West Indies, 1623–1775* (Bal-

timore: John Hopkins University Press, 1974); John James McCusker, Jr., “The Rum Trade and the Balance of Payments of the Thirteen Continental Colonies, 1650–1775” (unpublished Ph.D. dissertation, University of Pittsburgh, 1970); and William S. Sachs, “The Business Outlook in the Northern Colonies, 1750–1775” (unpublished Ph.D. dissertation, Columbia University, 1957).

6. Concerning trade with southern Europe, see: Arthur L. Jensen, *The Maritime Commerce of Colonial Philadelphia* (Madison: University of Wisconsin Press, 1963), pp. 61–62; and James G. Lydon, “Fish and Flour for Gold: southern Europe and the Colonial American Balance of Payments,” *Business History Review* xxxix (1965): 173, 183. James F. Shepherd and Gary Walton asserted that trade with the West Indies and southern Europe was sufficiently profitable to offset American debts to Great Britain in *Shipping, Maritime Trade and the Economic Development of North America* (Cambridge, Eng.: Cambridge University Press, 1972), pp. 96–97, 105, 138. Shepherd and Walton’s work has come under sharp criticism; see Hugh G. H. Aitkin’s critique in *Journal of Economic History* xxv (1965): 709–710, and Jacob M. Price, “A Note on the Value of Colonial Exports of Shipping,” *Journal of Economic History* xxxvi (1976): 704–724.

7. James F. Shepherd, “Commodity Exports from the British North American Colonies to Overseas Areas, 1769–1772: Magnitudes and Patterns of Trade,” *Explorations in Economic History* viii (1970): Tables I and v.

8. Massachusetts Naval Office Records, PRO, Colonial Office 5/848-51, copies at MHS; and Ezekiel Price Insurance Records, BA. (A checklist of Boston newspapers appears in the bibliography of this book.)

9. Shepherd and Walton, *Shipping*, p. 138.

10. John L. Bullion, *A Great and Necessary Measure: George Grenville and the Genesis of the Stamp Act, 1763–1765* (Columbia: University of Missouri Press, 1982), pp. 67, 82.

11. Ezekiel Price Insurance Papers, BA.

12. Melatiah Bourn to Ebenezer Frost, March 15, 1763, Bourn Papers 1: 149, Houghton Library, and the accounting of the voyage of the schooner *Sally*, 1763, Bourn Papers, BL.

13. William Cooper to John Boylston, Boston, November 7, 1768, Boylston Papers, MHS.

14. The idea that conflicting business specialties might explain the pattern of revolutionary loyalties among colonial merchants first appeared in Virginia Harrington, *New York Merchants on the Eve of the Revolution* (New York: Columbia University Press, 1935), pp. 350–351.

Although the call to reconcile the ideological and economic in-

terpretations of the Revolution first appeared in Gordon Wood's "Rhetoric and Reality in the American Revolution," *William and Mary Quarterly*, Third Series, xxiii (1966): 1–32, the most suggestive efforts in this regard have been quite recent. See Joseph Ernst and Marc Egnal, "An Economic Interpretation of the American Revolution," *William and Mary Quarterly*, Third Series, xxix (1972): 3–32; and two further articles by Ernst alone: "Ideology and an Economic Interpretation of the Revolution," in Alfred F. Young, *The American Revolution: Explorations in the History of American Radicalism* (De Kalb: Northern Illinois University Press, 1976), and "Political Economy and Reality: Problems in the Interpretation of the American Revolution," *Canadian Review of American Studies* vii (1976): 109–118.

15. Leonard Woods Labaree follows the same line of interpretation in "The Nature of American Loyalty," *American Antiquarian Society Proceedings*, New Series, civ (1944): 53.

16. Ironically, Loyalists proved much easier to document than patriots. See Lorenzo Sabine, *Biographical Sketches of Loyalists of the American Revolution* (Boston: Little, Brown, 1864); James H. Stark, *The Loyalists of Massachusetts: Their Memorials, Petitions and Claims* (London: Privately printed, 1930); "A list of Such Persons belonging to this Town, as have been Endeavouring . . . to counteract the united struggles of this & neighboring States," 1777, Boston Town Records xviii: 281–282, BPL; "A List of Names . . . of Persons who have left the State & are supposed to be Inimical," March 1778, Mss. L. 1, iii: 18, NEHGS.

Sources on patriots include: *Massachusetts Soldiers and Sailors of the Revolutionary War* (Boston: Wright and Potter, 1896–1908), 17 vols.; Gardner Weld Allen, "Massachusetts Privateers of the Revolution," *MHS Collections* lxxvii (1927); and the Thwing File, MHS.

17. Schlesinger, *Colonial Merchants*, chap. 7 and 9.

18. 1771 Boston tax list (see note 3).

19. The origins of economic liberalism have proven slippery to document, but Joyce Appleby has made the most notable efforts in this regard: "The Social Origins of American Revolutionary Ideology," *Journal of American History* lxiv (1978): 937–938, 940, 943–944; and *Economic Thought and Ideology in Seventeenth Century England* (Princeton: Princeton University Press, 1978).

20. Drafts of the various petitions dispatched by the Boston Society for Encouraging Trade and Commerce between 1763 and 1767 can be found in the Ezekiel Price Papers, MHS.

Chapter 1

1. 1771 Boston tax list, MA CXXXII: 92–147.
2. *The Manifesto Church: Records of the Church in Brattle Square, 1699–1872* (Boston: Benevolent Fraternity of Churches, 1902), p. 41; Charles W. Akers, *The Divine Politician: Samuel Cooper and the American Revolution in Boston* (Boston: Northeastern University Press, 1982), p. 2.
3. See appendix for the names of Boston smugglers.
4. For war news: *BEP*, January 21, 1760. For seizures at Monte Cristi: *BG*, January 14, 1760, and *BEP*, same date. On the embarkation of Barons: *BPB*, January 21, 1760, and *BNL*, January 24, 1760.
5. The story of Barons's dismissal and the attack on the custom service and vice-admiralty court that it engendered has long been familiar to specialists in the history of prerevolutionary Massachusetts. The recent publication by M. H. Smith, *The Writs of Assistance Case* (Berkeley: University of California Press, 1978), however, has sparked new interest in the affair. Smith gives the controversy by far its fullest account, although earlier and somewhat garbled versions appear in a number of standard sources: Thomas C. Barrow, *Trade and Empire: the British Customs Service in Colonial America, 1660–1775* (Cambridge: Harvard University Press, 1967), pp. 169–172; Lawrence Henry Gipson, "Aspects of the Beginning of the American Revolution in Massachusetts Bay, 1760–62," *American Antiquarian Society Proceedings* LXVII (1957), passim; Carl Ubbelohde, *Vice Admiralty Courts and the American Revolution* (Chapel Hill: University of North Carolina Press, 1960), pp. 34–35; John J. Waters and John A. Schutz, "Patterns of Massachusetts Colonial Politics: The Writs of Assistance and the Rivalry between the Otis and Hutchinson Families," *William and Mary Quarterly*, Third Series, xxiv (1967): 543–567; and Jordan D. Fiore, "The Temple-Bernard Affair," *Essex Institute Historical Collections* xc (1954): 58–83. Perceptive observations on the same business appear in less accessible form in Stephen Patterson, "Boston Merchants and the American Revolution to 1776" (unpublished M.A. thesis, University of Wisconsin, 1960), p. 53; and Joel A. Shufro, "Boston in Massachusetts Politics, 1730–1760" (unpublished Ph.D. thesis, University of Wisconsin, 1976), pp. 318–320. Prior to the publication of Smith's volume, the most extensive treatments, by far, of the topic were contained in Josiah Quincy, Jr.'s *Reports of Cases Argued and Adjudged in the Superior Court* (Boston: Little, Brown, 1865); and Leslie J. Thomas's lamentably never-published dissertation, "Partisan Politics in Massachusetts during Governor Bernard's Administration, 1760–1770," (unpublished Ph.D. thesis, University of Wisconsin, 1960). Of the various narratives, only Thomas's and Smith's analyze the full political ramifica-

tions of the controversy and attempt to provide any sort of month-by-month account of the incident. Sharing as it does a number of sources with both Smith and Thomas, this account inevitably overlaps with the other two versions at times. Here, however, the focus is on merchants and trade, and less on the political and constitutional issues involved.

On Barons's early career, see Barrow, *Trade and Empire*, p. 123; the memorial of Benjamin Barons to Lord Bute, March 23, 1763, photostatic copy in the collections of MHS. According to the *BG*, Barons may have been Hardy's brother-in-law. Smith, *Writs*, pp. 85–86.

6. Deposition of Charles Paxton, April 3, 1761, PRO Treasury 1/408, f. 102–104; deposition of Nathaniel Hatch, PRO Treasury 1/408, f. 153–154, transcripts of all the PRO documents cited here are at the Library of Congress; Smith, *Writs*, p. 420n.

7. John Rowe to Alexander Collden, Boston, May 26, 1760, in John Rowe Letterbook, 1759–1762, BL.

8. On the importance of the Monte Cristi trade: McCusker, "Rum Trade," pp. 303, 400, 422; George Louis Beer, *British Colonial Policy, 1754–1765* (New York: P. Smith, [1907], 1933), pp. 95–97; and Emily Hickman, who notes especially the trade's political implications in Massachusetts, in "Colonial Writs of Assistance," *New England Quarterly* v (Jan. 1932): 85–87.

9. Ezekiel Price Insurance Records, BA; see also the memorial on behalf of Benjamin Barons by the Boston Society for Encouraging Trade and Commerce, August 14, 1761, PRO Treasury 1/408, f. 122.

10. A copy of the agreement of the owners of the five vessels condemned at Jamaica, 1759, Bourn Papers 1: 80, HL.

11. Nash, *Urban Crucible*, pp. 242, 244–247; William S. Sachs, "The Business Outlook in the Northern Colonies, 1750–1775" (unpublished Ph.D. thesis, Columbia University, 1957), pp. 106–110; Shufro, "Massachusetts Politics," pp. 97–99.

12. *BPB*, *BG*, and *BEP*, March 24, 1760; *BEP*, August 11, 1760.

13. Quincy, *Reports*, pp. 553, 554n.

14. *BEP*, December 6, 1756.

15. Proof of involvement in the Dutch trade can be found for Thomas Hancock in: Henry Hope to Thomas Hancock, Amsterdam, January 5, 1761, Box 7, Hancock Papers, NEHGS. For William Cooper: [Melatiah Bourn and Co.] to John Hodshon, Boston, May 23, 1765, Bourn Papers 11: 21, HL. For William Molineux, agreement of Bourn & Davis with William Molineux, February 17, 1756, Bourn Papers 1: 60, HL. For Thomas Boylston: receipt of Bourn & Davis, January 6, 1766,

Bourn Papers 11: 30, HL. For John Rowe: John Rowe to Philip Cuyler, Boston, April 15, 1760, Rowe Letterbook, BL.

16. Smith, *Writs*, p. 178; Quincy, *Reports*, pp. 553–554.

17. The origins of the society are shadowy. A merchants' club had been in existence since 1751, meeting informally in the front room of the British Coffee House on King Street. The question of when this group incorporated itself into the more formal society is much less certain, however. G. B. Warden has alleged that it was founded at this time with no other purpose than "to secure the continuance and increase of the profitable but threatened French [molasses] trade, untrammelled by customs duties." ("The Caucus and Democracy in Colonial Boston," *New England Quarterly* XLIII [1970]: 28.) Charles MacLean Andrews placed the date of incorporation for the society as late as April 1764. ("Boston Merchants," pp. 160–171.) He was, however, almost certainly mistaken, since the *Boston Evening Post* for April 28, 1760, announced a meeting of the Boston Society for Encouraging Trade and Commerce and urged all members—or those inclined to become such—to attend. Andrews assigned the 1764 date on the strength of an undated charter agreement in the Ezekiel Price Papers at MHS. On the basis of internal evidence, Andrews determined that the document was written no later than 1764. I argue for an even earlier date, based on the fact that one of the signatories, James Mason, died in November 1761 (*BEP*, November 28, 1761). M. H. Smith, on the other hand, erred in fixing too early a date when he mistook mention of the 1756 agreement to inform on smugglers for evidence of some rudimentary form of the society (Smith, *Writs*, p. 155). Whatever its date of origin, the BSETC soon played an important role in combating the increasingly restrictive pattern of customs enforcement at Boston.

18. John Rowe to Alexander Collden, Boston, May 12, 1760, Rowe Letterbook, BL; *BG*, May 19, 1760.

19. John A. Schutz, *Thomas Pownall, British Defender of American Liberty: A Study of Anglo-American Relations in the Eighteenth Century* (Glendale, Calif.: Arthur H. Clark, 1951); *BG*, May 19, 1760. Historians have attempted to subdivide the Boston merchant community in a number of ways. Stephen Patterson has suggested a division between "old merchant" and "new merchant" aristocracies, meaning families of seventeenth-century origin versus more recent arrivals. Patterson sees the "old merchant" aristocracy firmly in control of government war contracts and speculation in provincial currency. Frozen out of this largesse, the "new merchants," according to Patterson, turned to illicit trade. Patterson chooses as paradigms of these two groups the Hutchinson—

Oliver oligarchy as representatives of the “old merchant” group and the Bowdoin–Pitts–Erving clan for the “new merchants” (Patterson, “Boston Merchants,” pp. 11–12, 22, 47). Unfortunately, there are too many exceptions to be completely satisfying. We need think only of Thomas Hancock, surely a “new merchant” if ever there was one, to be aware that certain men could combine both war contracting and illicit trade. Likewise, even the Hutchinson family had its black sheep. Shrimpton Hutchinson, the lieutenant governor’s cousin, was a frequent partner of John Erving, Jr., in smuggling ventures to and from Monte Cristi. (See insurance policies #150, 358, 960 in the Ezekiel Price Insurance Papers, BA.)

The other way to subdivide the merchants is into “Shirleyan” and “Pownallite” factions. Following this typology, the Hutchinson–Oliver network is usually placed in the “Shirleyan” camp and their rivals, the Otises and others, among the Pownallites (Shufro, “Boston,” pp. 318–320). The problem here is finding a niche for the Ervings, who were among the most active illicit traders in Boston at this time. John Erving, Jr., was the son-in-law of William Shirley, though he remained a thorn in the side of the government party until the nonimportation controversy.

20. Memorial of the Boston merchants, PRO Treasury 1/415, f. 157–162.

21. Admiralty Book of Accounts of Sales, 1743–1765, Archives of the Supreme Judicial Court, Suffolk County Court House; Thomas Hancock to Thomas Pownall, Boston, September 24, 1760, TH4, Hancock Papers, NEHGS.

22. *BG*, July 28, 1760; *BNL*, July 24, 1760.

23. William Pitt to Francis Bernard Whitehall, August 23, 1760, Bernard Papers 1X: 121–123; Gipson, “Aspects,” p. 11; Barrow, *Trade and Empire*, p. 163; Schlesinger, *Colonial Merchants*, p. 47.

24. Smith, *Writs*, pp. 62–63.

25. [Naphthali Hart & Co.] to Melatiah Bourn, Newport, September 20, 1760, Bourn Papers 1: 100, HL. William Vernon, a merchant in Newport and Boston, repeated a similar story to Ezra Stiles, saying that “Capt. Dorden told [him] that Adm. Holmes at Jamaica seized his Vessel for Coffee—& at [the] Same Time Dorden saw the Adm unlade from his own Ship Two Vessels’ Load of Coffee” and “that while Commodore Coates was on the Jamaica Station he was concerned with a Mercht. there in the Flag [of Truce] Trade which he himself convoyed to Cuba; & that the Balance due to Adm. Coates from s^d Merchant was above Fourty Eight Thousand pounds Jamaica Money.” Franklin B. Dexter, ed., *Extracts from the Itineraries and other Miscellanies of Ezra Stiles* (New Haven: Yale University Press, 1916), p. 204. For further infor-

mation on Cotes's trade with the enemy, see Richard Pares, *War and Trade in the West Indies, 1739–1763* (Oxford: Oxford University Press, 1936), p. 451.

26. William Hodshon to [Isaac and Naphthali Hart], London, July 12, 1760, Bourn Papers 1: 100, JL; *BNL*, October 1, 1760.

27. *BG*, October 27, 1760; *BNL*, October 30, 1760.

28. Deposition of Paxton, April 3, 1761, PRO Treasury 1/408, f. 112.

29. Deposition of William Story, March 24, 1761, PRO Treasury 1/408, f. 112.

30. *Ibid.*; deposition of George Craddock, February 24, 1761, PRO Treasury 1/408, f. 156–157; deposition of Francis Bernard, PRO Treasury 1/408, f. 115–118.

31. Deposition of Bernard as in n. 30; deposition of Paxton, February 18, 1761, PRO Treasury 1/408, f. 102–104.

32. Waters and Schutz, "Patterns of Politics," pp. 558, 560n; William Tudor, *The Life of James Otis* (Boston: Wells & Lilly, 1823), pp. 384–386; deposition of Paxton, as in n. 31. M. H. Smith weaves an elaborate web of speculation around Bernard's role in Otis's resignation, postulating that the active enmity of the governor forced the advocate general from his position. The simple timing of the matter, however, supports the traditional explanation that Otis's own resentment prompted his resignation. Smith, *Writs*, pp. 323–327.

33. Deposition of Story, as in n. 29; Oliver is quoted in Schlesinger, *Colonial Merchants*, p. 54n. Leslie Thomas comments at this point that "the personal attack of the Otises on the Hutchinson group and the attack of the Boston merchants on the Admiralty Court and customs officers to nullify the laws of trade becomes inseparable. It is virtually impossible to distinguish between personal animosities, constitutional principles, economic motives, and the naked struggle between the 'ins' and 'outs' for political offices and power." Thomas, "Partisan Politics," p. 118.

34. Deposition of Paxton, as in n. 6.

35. Deposition of Edmund Trowbridge, March 18, 1761, PRO Treasury 1/408, f. 105–106; deposition of Ebenezer Richardson, February 27, 1761, PRO Treasury 1/408, f. 155.

36. Deposition of Richardson as in n. 35.

37. *Ibid.*; Smith, *Writs*, p. 63.

38. Smith, *Writs*, p. 63.

39. *Ibid.*; deposition of Trowbridge, as in n. 35.

40. Deposition of Paxton, as in n. 6. The merchants' petition is found in MA XLIV: 446.

41. MA XLIV: 448, 452; Quincy, *Reports*, p. 542n; John J. Waters, Jr., *The Otis Family in Provincial and Revolutionary Massachusetts* (Chapel Hill: University of North Carolina Press, 1968), pp. 120–121.

42. Quincy, *Reports*, pp. 543–544; *BG*, February 16, 1761; L. S. Mayo, ed., Thomas Hutchinson's *History of the Colony and Province of Massachusetts Bay* (Cambridge: Harvard University Press, 1936), III: 65–66.

43. Francis Bernard to [John Pownall], Boston, January 19, 1761, Bernard Papers I: 296, HL.

44. *BEP* and *BNL*, February 2, 1761; *BEP*, December 6, 1756.

45. *BG*, February 16, 1761.

46. *BG*, March 2 and 9, 1761.

47. Thomas Lechmere to Board of Customs [Boston], July 8, 1761, PRO Treasury 1/408, f. 146–149; deposition of Paxton, as in n. 6.

48. Francis Bernard to [John Pownall], Boston, February 21, 1761, Bernard Papers I: 296–297, HL; “An account of the proceedings against Benjamin Barons,” PRO Treasury 1/408, f. 177–178.

49. Francis Bernard to John Pownall, Boston, April 28, 1761, Bernard Papers I: 316, HL.

50. William Pitt to Francis Bernard, Whitehall, August 23, 1760, Bernard Papers I: 316; HL; Bernard to Pitt, Boston, November 8, 1760, I: 284; Bernard to Pitt [Boston], May 5, 1761, I: 309–311, HL.

51. Francis Bernard to John Pownall, Boston, June 15, 1761, Bernard Papers I: 318–320, HL; Thomas Lechmere to Board of Customs, as in n. 47.

52. Lechmere, as in n. 47; deposition of Gideon Thayer, PRO Treasury 1/408 f. 128–131; Francis Bernard to [John Pownall], Boston, June 28, 1761, Bernard Papers, 321–322, HL.

53. Thomas Lechmere to Benjamin Barons, n.p., June 20, 1761, Samuel Phillips Savage Papers, MHS; Francis Bernard to John Pownall, June 28, 1761, as in n. 52; Thomas Lechmere to the Board of Customs, as in n. 47; Quincy, *Reports*, p. 425n.

54. Francis Bernard to [Thomas Pownall], Boston, August 28, 1761, Bernard Papers II: 9–11, HL.

55. Francis Bernard to Lords of Trade, Boston, August 27, 1761, Bernard Papers II: 52, HL.

56. Francis Bernard to Lords of Trade, Boston, August 6, 1761, Bernard Papers II: 45, HL.

57. *Ibid.*; Bernard to [Thomas Pownall], as in n. 55.

58. Thomas Lechmere to Board of Customs, as in n. 47; Fran-

cis Bernard to [John Pownall], n.p., July 12, 1761, Bernard Papers II: 7, HL; Pownall to Bernard, London, July 22, 1761, Bernard Papers IX: 221–223, HL. The author of the last letter is misattributed in Smith, *Writs*, p. 433.

59. Barrow, *Trade and Empire*, pp. 171–172; Quincy, *Reports*, pp. 544–547, 553–554; Ubbelohde, *Vice Admiralty*, pp. 34–35.

60. John Rowe to Dr. William Catherwood, Boston, July 6, 1761, Rowe Letterbook, BL; Memorial of the Boston Merchants, August 14, 1761, PRO Treasury 1/408, f. 122.

61. Boston merchants to Sir Charles Hardy, n.p., August 20, 1761, Samuel Phillips Savage Papers, MHS.

62. Francis Bernard to William Pitt, n.p., October 5, 1761, Bernard Papers IX: 229–232; also another copy in II: 14–16 marked “not sent,” HL; *BEP*, September 7, 1761.

63. John Rowe to Thomas Saul, Boston, October 20, 1761, Rowe Letterbook, BL.

64. Lord Barrington to Francis Bernard, Cavendish Sq., December 12, 1761, and Bernard to Lord Barrington, Boston, January 14, 1762, in Edward Channing and Archibald C. Coolidge, eds., *The Barrington-Bernard Correspondence* (Cambridge: Harvard University Press, 1912), pp. 37 and 39, respectively.

65. Smith, *Writs*, p. 433; Barrow, *Trade and Empire*, p. 172; Francis Bernard to Lord Barrington, Boston, January 12, 1762, Bernard Papers II: 24–25, HL; John Temple to Commissioners of Customs [Boston], January 1, 1762, Bowdoin-Temple Papers, MHS.

66. Quincy, *Reports*, p. 508.

67. Smith, *Writs*, pp. 30, 257, 394; Thomas, “Partisan Politics,” pp. 37–40; John Adams to William Tudor in Charles Francis Adams, ed., *The Works of John Adams* (Boston: Little, Brown, 1850–1856), x: 246–247. Previous to the publication of Smith’s book, the most detailed account of the case was in L. Kinvin Wroth and Hiller Zobel, eds., *The Legal Papers of John Adams* (Cambridge, Mass.: Belknap Press, 1965), II: 106–142. For a dissenting view, see Joseph R. Frese, in “James Otis and the Writs of Assistance” (*New England Quarterly* xxx [1957]: 504, 506), who believes the writs were indeed illegal.

68. *BG*, December 7, 1761.

69. *BG*, December 21, 1761.

70. Benjamin Barons to Melatiah Bourn [Boston], December 29, 1761, Bourn Papers I: 116, HL.

71. Cited in Smith, *Writs*, p. 431.

72. *BG*, January 4, 1762.

73. Francis Bernard to Lord Barrington, as in n. 65; *Journal of the Massachusetts House of Representatives*, February 2, 1762; *BEP*, June 11, 1770.

74. Memorial of the Boston Merchants, February 18, 1762, PRO Treasury 1/415, f. 157–162.

75. Ibid. M. H. Smith observes that it would be only natural for Barons, as collector of the king's revenues at Boston, to make the disbursements necessary to meet the legal fees incurred by the customs service in the case. Smith, *Writs*, p. 198.

76. Smith, *Writs*, p. 198.

77. John Rowe to Lane & Booth [Boston], February 24, 1762, Rowe Letterbook, BL.

78. Quincy, *Reports*, p. 550; Mayo, Hutchinson's *History*, III: 91–92.

79. Thomas, "Partisan Politics," pp. 62–63; John Adams, *Diary*, December 30, 1765, in Adams, *Works*, II: 170.

80. Francis Bernard to Lord Barrington, Boston, February 20, 1762, in Channing, *Barrington-Bernard*, p. 48.

81. Francis Bernard to Lords of Trade, Boston, April 13, 1762, Bernard Papers II: 58, HL: Quincy, *Reports*, pp. 495–499; Thomas Hutchinson to William Bollan, Boston, March 6, 1762, MA XXVI: 8–9. M. H. Smith, in his account, misses the significance of the provincial writs of assistance by failing to note the implication of an amendment to the bill that would have forced customs officers to identify their informants, thereby exposing them to the full fury of popular resentment. Smith, *Writs*, pp. 425, 429.

82. Memorial of Benjamin Barons to Lord Bute, March 23, 1763 [photostat in the collections of MHS]; Thomas Cushing to Jasper Mauduit, n.p., November 10, 1763, MHS *Collections* 74: 135; Barrow, *Trade and Empire*, p. 313n.

83. Francis Bernard to Lord Halifax, Castle William, August 31, 1765, Bernard Papers IV: 149–150, HL.

84. Ibid.

85. Peter O. Hutchinson, ed., *The Diary and Letters of Thomas Hutchinson* (New York: Burt and Franklin, 1971), I: 67; Mayo, Hutchinson's *History*, III: 89–90.

86. William Bollan to the Board of Trade, Boston, February 22, 1742/43, cited in Malcolm Freiberg, "William Bollan, Agent of Massachusetts," *More Books, The Monthly Bulletin of the Boston Public Library*, XXIII (1948): 51–53.

Chapter 2

1. Thomas C. Barrow, "The Background to the Grenville Program, 1757–63," *William and Mary Quarterly*, Third Series, xxii (1965): 94–95, 98, 102; Allen S. Johnson, "The Passage of the Sugar Act," *William and Mary Quarterly*, Third Series, xvi (1959): 509–510.
2. J. M. Bumstead, "'Things in the Womb of Time': Ideas of American Independence, 1633–1763," *William and Mary Quarterly*, Third Series, xxxi (1974): 546–548, 563; John L. Bullion, "Honor, Trade, and Empire: Grenville's Treasury and 'the American Question,' 1763–65" (unpublished Ph.D. dissertation, University of Texas at Austin, 1977), pp. 47–48. Much of Bullion's dissertation has now been published as *A Great and Necessary Measure: George Grenville and the Genesis of the Stamp Act, 1763–1765* (Columbia: University of Missouri Press, 1982), but many of the most suggestive passages concerning the Revenue Act of 1764 were cut from the published version. See also Beer, *British Colonial Policy*, p. 279; and Jack M. Sosen, "A Postscript to the Stamp Act: George Grenville's Economic Measures, A Drain on Colonial Specie," *American Historical Review* lXIII (1957–1958): 919.
3. Ian Christie and Benjamin W. Labaree, *Empire or Independence, 1760–1776: A British-American Dialogue on the Coming of the American Revolution* (New York: W. W. Norton, 1976), p. 32; Ubbelohde, *Vice Admiralty*, p. 41; Lord Egremont to Francis Bernard, Whitehall, July 9, 1763, Bernard Papers x: 119, HL; Thomas Hutchinson to Richard Jackson, [Boston], September 17, 1763, MA xxvi: 69.
4. Francis Bernard to Richard Jackson, Boston, August 3, 1763, Bernard Papers, III: 93, HL; McCusker, "Rum Trade," pp. 400, 313, 398.
5. Bernhard Knollenberg, *Origin of the American Revolution* (New York: Free Press, [1960], 1965), pp. 131–132; Morgan and Morgan, *Stamp Act*, p. 42; Francis Bernard to Richard Jackson, as in n. 4.
6. Lords of Trade to Francis Bernard, Whitehall, October 11, 1763, Bernard Papers, x: 131, HL; Thomas Cushing to Jasper Mauduit, Boston, October 28, 1763, MHS *Collections* LXXIV: 131. On the general acceptability of the duty, see also: Thomas Hutchinson to Richard Jackson, Boston, August 3, 1763, MA xxvi: 65–66; Francis Bernard to Richard Jackson, Boston, November 26, 1763, Bernard Papers III: 106–107, HL; as well as Bernard to John Pownall, Castle William, October 30, 1763, Bernard Papers III: 105, HL.
7. The "State of Trade" is reprinted in Colonial Society of Massachusetts *Publications* xix: 379–390. For the circumstances of its com-

position, see Charles M. Andrews, "Boston Merchants," p. 166. For Gray, see Sabine, *Biographical Sketches*, 1: 491. For Payne, see Anne Rowe Cunningham, *The Letters and Diary of John Rowe* (Boston: W. B. Clarke, 1903), p. 22.

8. "State of Trade," pp. 382–383; see also "Considerations upon the Act of Parliament," in Bernard Bailyn and Jane Garrett, *Pamphlets of the American Revolution* (Cambridge, Mass.: Belknap Press, 1965), pp. 366–367.

9. "State of Trade," pp. 385, 389–390.

10. McCusker, "Rum Trade," pp. 526, 528, 530, 536–538.

11. Pares, *Yankees and Creoles*, p. 112; Sachs, "Business Outlook," pp. 110, 113, 154–155.

12. The figures for relative imports and exports are taken from Shepherd and Walton, *Shipping*, pp. 96–97, 105. Although Shepherd and Walton's work is problematic, their figures here tally with Richard Sheridan's in *Sugar and Slavery*, p. 470. The information on the relative tonnage of the three port cities is from Sachs, "Business Outlook" p. 182.

13. Nash, *Urban Crucible*, pp. 242–243, 250–254.

14. *BG*, March 28, 1768; *BEP*, January 2, 1764.

15. Francis Bernard to Richard Jackson, Boston, November 26, 1763, Bernard Papers III: 106–107, HL.

16. *BG*, October 17, October 31, and November 14, 1763; John Temple to all Customs Officers of the Northern District, n.p., December 26, 1763, Bowdoin-Temple Papers, MHS; *BG* and *BEP*, January 2, 1764; *Providence Gazette*, January 21, 1764; Francis Bernard to Richard Jackson, January 7, 1764, Bernard Papers IV: 120–122, HL.

17. Thomas Gray et al. to Simon Pease and Godfrey Malbone [of Newport], Boston, January 4, 1764, printed in Knollenberg, *Origin*, p. 138, and Thomas Gray et al. to Gurdon Saltonstall and Nathaniel Shaw [of New London], Boston, January 9, 1764, printed in Colonial Society of Massachusetts *Publications* XIX: 380–381. See also Frederick B. Wiener, "The Rhode Island Merchants and the Sugar Act," *New England Quarterly* III (1930): 476–477, 490. Wiener believes the "State of Trade" prepared by the Providence merchants for Hopkins was independent of the Boston document because of its lack of emphasis on the fishery.

18. William Bollan to the Committee of Merchants at Boston, n.p., April 12, 1764, Price Papers, MHS; Andrews, "Boston Merchants," p. 167; Johnson, "Sugar Act," p. 513; Knollenberg, *Origin*, p. 145. Although Knollenberg contends that no agent received instructions to oppose the act on principle, Thomas Cushing had written Jasper Mauduit to inform him that discussion in one of the committees of the General Court had tended in the direction of refusing to admit that any duty on

molasses would be acceptable because it would be tacit acknowledgment of Parliament's right to tax the colonies without their consent. But Cushing's letter did not arrive in time. See Thomas Cushing to Jasper Mauduit, Boston, January, 1764, MHS *Collections* LXXIV: 145–146.

19. Barrow, *Trade and Empire*, p. 177; Johnson, "Sugar Act," pp. 508, 514; Christie and Labaree, *Empire or Independence*, pp. 35, 92.

20. Bullion, "Honor, Trade and Empire," pp. 121, 163, 167, 172–173.

21. [Thomas Whately], *The Regulations Lately Made Concerning the Colonies, and the Taxes Imposed Upon Them, Considered* (London: J. Wilkie, 1765), p. 58. Whately claimed to be the author of the pamphlet in a letter written to John Temple on August 14, 1766 (see 6 MHS *Collections* IX: 77); Baker is quoted in Bullion, "Honor, Trade and Empire," p. 133.

22. [Whately] *Regulations Lately Made*, pp. 88–89.

23. *Ibid.*, p. 90.

24. *Ibid.*, pp. 92, 66.

25. Henry McCulloh placed the figure at £500,000, while the *Regulations Lately Made* represented it as £700,000. See Bullion, "Honor, Trade and Empire," pp. 112, 115, 177; and [Whately] *Regulations Lately Made*, p. 60. Both Bullion and Barrow believe Grenville's figures are exaggerated. See "Honor, Trade and Empire," p. 179, and *Trade and Empire*, pp. 149–151. Benjamin Labaree, however, has estimated that between 1760 and 1766 the colonies imported smuggled tea worth about £200,000 annually. If this was indeed the case for tea alone, then perhaps Grenville and his colleagues were not so far wrong. See Bullion, "Honor, Trade and Empire," pp. 179, 574; and Labaree, *The Boston Tea Party* (London: Oxford University Press, [1966], 1970), p. 7.

26. [Whately], *Regulations Lately Made*, pp. 91–92.

27. *Ibid.*, pp. 87–88.

28. Bullion, "Honor, Trade and Empire," p. 230; Johnson, "Sugar Act," p. 511; Christie and Labaree, *Empire or Independence*, p. 28.

29. Lawrence Henry Gipson, *The Coming of the Revolution, 1763–1775* (New York: Harper & Brothers, 1954), pp. 63–64. On the price of molasses in the West Indies and in Boston, see Knollenberg, *Origin*, p. 131n; and Adams, *Works*, x: 348. On one gallon of molasses being distilled into one gallon of rum, see Adams; and McCusker, "Rum Trade," p. 157. For the most comprehensive critique of Gipson, see Sachs, "Business Outlook," pp. 145, 160, 161n.

30. Andrews, "Boston Merchants," p. 169; Adams, *Works*, x: 345; McCusker, "Rum Trade," pp. 8, 538.

31. Bullion, "Honor, Trade and Empire," pp. 126–129; [Whately], *Regulations Lately Made*, pp. 45, 47, 53. The enumeration of

whale fins and potash would be particularly annoying to the New England colonies, and Boston in particular, since commerce in those two items was among the fastest-rising trades in the decade following the Seven Years' War. Sachs, "Business Outlook," pp. 189–190.

32. Beer, *British Colonial Policy*, p. 281; [Whately], *Regulations Lately Made*, p. 59.

33. [Whately], *Regulations Lately Made*, p. 98; Bullion, "Honor, Trade and Empire," p. 116; Oliver M. Dickerson, *The Navigation Acts and the American Revolution* (New York: A. S. Barnes, [1951], 1963), pp. 179–182.

34. Dickerson, *Navigation Acts*, pp. 181–182.

35. Bullion, "Honor, Trade and Empire," p. 131; Morgan and Morgan, *Stamp Act*, p. 41.

36. Dickerson, *Navigation Acts*, pp. 175–178; Sachs, "Business Outlook," p. 165.

37. Sachs, "Business Outlook," pp. 171–172; Morgan and Morgan, *Stamp Act*, pp. 45–46, 48. On the profitability of trade with southern Europe, see Shepherd and Walton, *Shipping*, pp. 156f; Jensen, *Maritime Commerce*, pp. 61–62; and Lydon, "Fish and Flour," pp. 173, 183.

38. Johnson, "Sugar Act," pp. 512–514; Knollenberg, *Origin*, pp. 47, 136, 140, 144; Christie and Labaree, *Empire or Independence*, p. 84; Bullion, "Honor, Trade and Empire," pp. 135, 151, 186.

39. *BEP*, January 2, 1764; Francis Bernard, "Answers to Queries," September 5, 1763, Bernard Papers XLIII: 18, HL; *BEP*, April 9, 1764; Thomas Cushing to Jasper Mauduit, Boston, April 9, 1764, MHS Collections LXXIV: 158–159; *BG*, May 4, 1764, and *BEP*, May 7 supplement, 1764.

40. *BG*, May 14, 1764; John Powell to Christopher Champlin, n.p., April 9, 1764, Letters of the Boston Merchants, BL; Morgan and Morgan, *Stamp Act*, p. 138; town instructions printed in *BG*, May 28, 1764.

41. Francis Bernard to the Board of Trade, Boston, June 29, 1764, Bernard Papers III: 157, HL.

42. Thomas Hancock to Barnard & Harrison, Boston, June 23, 1764, JH6, Hancock Papers, NEHGS; *BG*, June 11, 1764; and Franklin, cited in Ubbelohde, *Vice Admiralty*, p. 66.

43. Andrews, "Boston Merchants," p. 172. The "Proposals" were never printed; a draft version of the document (with the 1767 additions) still exists in the Ezekiel Price Papers, f. 20, MHS.

44. "Proposals," Ezekiel Price Papers, *ibid.*; Andrews, "Boston Merchants," p. 171; Dickerson, *Navigation Acts*, p. 182.

45. "Proposals," Ezekiel Price Papers, f. 26, MHS.
46. Ibid.
47. Schlesinger, *Colonial Merchants*, p. 62.
48. Thomas Hutchinson to [Richard Jackson], Boston, November 6, 1764, MA xxvi: 11–12. The much-revised draft version of the petition is in MA vi: 290.
49. John Huske to the Committee of Merchants at Boston [London], August 17, 1764, printed in BG, October 29, 1764.
50. Schlesinger, *Colonial Merchants*, p. 54; Sachs, "Business Outlook," p. 162; Dickerson, *Navigation Acts*, pp. 185–186; "A Letter from Boston," *Newport Mercury*, June 10, 1765; Knollenberg, *Origin*, p. 184.
51. James Otis, *The Rights of the British Colonies Asserted and Proved* (Boston: Edes & Gill, 1764), in Bailyn and Garrett, *Pamphlets*, 1: 461; James R. Ferguson, "Reason in Madness: The Political Thought of James Otis," *William and Mary Quarterly*, Third Series, xxvi (1979): 199; Oxenbridge Thacher, *The Sentiments of a British-American* (Boston: Edes & Gill, 1764), in Bailyn and Garrett, *Pamphlets*, 1: 495–497.
52. Arthur Savage, Jr., to Samuel Phillips Savage, [London], February 8, 1765, Savage Papers, MHS; Jasper Mauduit to the Committee of the General Court, March 8, 1765, MHS *Collections* LXXIV: 171–172n; Arthur Savage, Jr., to Samuel Phillips Savage [London], March 1, 1765, Savage Papers.
53. BEP, January 7, 1765.
54. BEP, June 17, 1765.
55. Schlesinger, *Colonial Merchants*, pp. 78–79; BG and BEP, December 9 and December 15, 1765.
56. BG, December 9, 1765. Harbottle Dorr identifies the style of the letters as Otis's. See Dorr Collection, MHS.
57. BG, December 16 and December 23, 1765.
58. Michael Kammen, *A Rope of Sand: The Colonial Agents, British Politics and the American Revolution* (Ithaca, N.Y.: Cornell University Press, 1968), p. 118; Jack M. Sosen, *Agents and Merchants, British Colonial Policy and the Origins of the American Revolution, 1763–1775* (Lincoln: University of Nebraska Press, 1965), p. 76; BEP, February 17 and April 21, 1766; Edmund S. Morgan, *Prologue to Revolution: Sources and Documents on the Stamp Act Crisis, 1764–1766* (Chapel Hill: University of North Carolina Press, 1959), p. 130.
59. H. S. Conway to Francis Bernard, St. James's, March 31, 1766, Bernard Papers xi: 3–4, HL.
60. See 5 George III, c. 45; Thomas Whately, *Considerations*

on the Trade and Finances of This Kingdom (London: J. Wilkie, 1766), p. 70; *New York Gazette*, February 20, 1766; Schlesinger, *Colonial Merchants*, p. 58.

61. The best account of the meeting is printed in *BG*, May 26, 1766; another version is contained in Sosen, *Agents*, pp. 81–82.

62. Sosen, *Agents*, p. 84; see also 6 George III, c. 52; William Bollan, *The Mutual Interest of Great Britain and the American Colonies Considered* (London: W. Nicholl, 1765), p. 8; Schlesinger, *Colonial Merchants*, p. 84.

63. Jensen, *Maritime Commerce*, pp. 165–166; Christie and Labaree, *Empire or Independence*, p. 86; Dickerson, *Navigation Acts*, pp. 185–186, 189; Beer, *British Colonial Policy*, p. 283n.

64. Dorothy B. Goebel, "The 'New England Trade' and the French West Indies, 1763–1774: A Study in Trade Policies," *William and Mary Quarterly*, Third Series, xx (1963): 354; Sosen, *Agents*, p. 75n.

65. See 6 George III, c. 49; Goebel, "Trade Policies," pp. 331, 347–348; "A Letter from a British Merchant," *BG*, December 31, 1765.

66. Goebel, "Trade Policies," pp. 356, 366, 368; McCusker, "Rum Trade," p. 305; "A defense of the conduct of John Huske," *BG*, October 6, 1766.

67. Printed in *BG*, September 8, 1766. On the respectability of colonial smuggling, authors differ. Some maintain that smuggling in the West Indies was readily condoned, while illicit trade in European and East India goods was not. (Knollenberg, *Origin*, p. 134; Harrington, *New York Merchants*, p. 275.) Others think that colonial merchants had few scruples about the issue, regarding themselves "simply as businessmen who were willing to take extra risks in order to . . . make extra profits." (Jensen, *Maritime Commerce*, pp. 130–131.) Nearly all agree that smuggling had no ideological overtones, at least early on in the prerevolutionary period, and that it assumed them only as the enforcement of the Navigation Acts became a political issue on both sides of the Atlantic. Christie and Labaree, *Empire or Independence*, p. 92; Labaree, *Boston Tea Party*, p. 56; and Pauline Maier, *From Resistance to Revolution: Colonial Radicals and the Development of American Opposition to Britain* (New York: Random House, [1972], 1974), p. 9n.

68. *BG*, October 6, 1766.

69. Schlesinger, *Colonial Merchants*, p. 85; Andrews, "Boston Merchants," p. 179.

70. The list of historians who have assumed that the one-penny duty made smuggling no longer profitable is an impressive one: Schlesinger, *Colonial Merchants*, p. 98; Dickerson, *Navigation Acts*, pp. 173, 187; McCusker, "Rum Trade," p. 421; Jensen, *Maritime Commerce*, pp. 131–132; and James B. Hedges, *The Browns of Providence Plantations*

(Cambridge: Harvard University Press, 1952), 1: 45. Figures for receipts under the Revenue Act of 1766 are in Christie and Labaree, *Empire of Independence*, p. 120n.

71. John Powell to Christopher Champlin, London, June 24, 1766, Letters of the Boston Merchants, BL; Jonathan Barnard to John Hancock, London, May 18, 1766, BPL; John Hancock to Harrison & Barnard, Boston, June 30, 1766, JH6, Hancock Papers, NEHGS.

72. Letter from “A Merchant,” *BEP*, May 19, 1766; Thomas Hutchinson to Thomas Pownall, Milton, May 11, 1766, MA xxvi: 231; Francis Bernard to Lord Shelburne, Boston, December 22, 1766, Bernard Papers, iv: 274–283, HL; [Maurice] Morgann to Lord Shelburne, n.p., n.d., Shelburne Mss., XLIX: 711, William L. Clements Library, Ann Arbor, Michigan; Francis Bernard to Lords of Trade, Boston, August 18, 1766, Bernard Papers iv: 246, HL.

Most accounts of Otis’s career have focused on his alleged retreat from the advanced ideological position of *The Rights of the British Colonies* (1764) to the more moderate ideas outlined in *A Vindication of the British Colonies against the Aspersions of the Halifax Gentleman* and *Brief Remarks on the Defence of the Halifax Libel* (both printed in 1765). (See especially Ferguson, “Reason in Madness,” pp. 203–210.) Although there is evidence to suggest that this retreat was a temporary expedient necessitated by the fear that he would actually be charged with treason (see Ellen Brennan, “James Otis, Recreant or Patriot?” *New England Quarterly* xii (1939): 701; and Samuel Allyne Otis to Col. James Otis, n.p., n.d., BPL), it should be noted that Otis never retreated from his advanced views on colonial trade. In his *Considerations on Behalf of the Colonists in a Letter to a Noble Lord* (London: J. Almon, 1765), pp. 22–23, which appeared after the two previously mentioned pamphlets, Otis asked, “Can any one tell me why trade, commerce, arts, sciences, and manufactures should not be as free for an American as for a European?” In the same pamphlet, he went on to attack mercantilist restrictions on colonial manufactures. “In plain English,” according to Otis, the net effect of the Navigation Acts is that “we shall do nothing that they can do for us. This is kind!—And what they cannot do for us, we are permitted to do for ourselves. Generous!” The significance of Otis’s early advocacy of unrestricted trade was carefully noted by John Adams and William Tudor, Otis’s first biographer, although it has eluded most subsequent historians. John Adams to William Tudor, August 21, 1818, printed in Adams, *Works*, x: 349; Tudor, *Life of James Otis*, p. 74.

73. *BEP*, June 23 and November 24, 1766; Cunningham, *Rowe Diary*, p. 115; John Cruger et al. to James Otis et al., New York, November 24, 1766, Ezekiel Price Papers, MHS.

74. Since the various states of the 1767 petition of the Boston

merchants have been misidentified in Andrews, “Boston Merchants,” p. 172n, it is worth setting the record straight here. Folio 39 of the Ezekiel Price Papers, MHS, is the earliest state of the petition, f. 54 is a second draft, and f. 27 is the final draft, incorporating parts of the two earlier versions. Folios 38, 52, 53, 55, 56, and 74 are notes considered in the composition of the final draft, although not all parts of every note are incorporated in the final text. The signers of the petition are listed in f. 77.

75. “Petition of the Merchants of the Town of Boston,” January, 1767, Ezekiel Price Papers, f. 27, MHS.

76. Ibid.

77. Ibid.

78. Ibid., ff. 52, 54, 55, 56, 74.

79. The text of the New York merchants’ petition is printed in *BEP*, May 11, 1767. For the similarities, see Schlesinger, *Colonial Merchants*, pp. 87–88. On the profits of smuggling foreign sugar, see McCusker, “Rum Trade,” p. 403. McCusker estimates the loss to the Treasury from smuggled sugar at nearly £114,000 annually versus an estimated annual loss of £11,000 in revenue on illegally entered molasses. On the inflammatory nature of the New York petition, see Dennys DeBerdt to the Boston Merchants, London, March 9, 1767, Ezekiel Price Papers, MHS.

80. Christie and Labaree, *Empire of Independence*, pp. 276–277.

Chapter 3

1. The notion that nonimportation was in part a plan by some merchants to clear away large stocks of old goods circulated among contemporaries and was included by Schlesinger in *Colonial Merchants*, pp. 210–211. It has recently received a more elaborate restatement in Dirk Hoerder, *Crowd Action in Revolutionary Massachusetts 1765–1780* (New York: Academic Press, 1977), pp. 161–162.

2. As in Chapter 1, estimates of the number of merchants “active” in Boston at any given time are based on Naval Office Records (PRO Colonial Office 5/848–851); the Ezekiel Price Insurance Records, BA; an abstract of advertising from contemporary Boston newspapers; and, in this case, the subscription lists of the nonimportation agreement [March 1768], Samuel Phillips Savage Papers, MHS.

3. Concerning bankruptcy in Boston, see John Hancock’s oft-quoted letter to Barnard & Harrison, Boston, January 21, 1765, JH6, Hancock Papers, NEHGS and Francis Bernard to Board of Trade, Bos-

ton, April 8, 1765, Bernard Papers III: 203–204, HL. For other bankruptcies, see *MG*, 1765–1766 passim, and Price Insurance Papers, BA.

4. John Hancock to William Reeve, Boston, September 3, 1767, JH6, Hancock Papers, NEHGS.

5. This is likewise another older notion restated by more recent authors, e.g., Andrews, “Boston Merchants,” pp. 240–241, 259; Hoerder, *Crowd Action*, p. 197; and Warden, “Caucus and Democracy,” p. 29.

6. *BG*, August 31, 1767; John Hancock to William Reeve, as in n. 4; and Francis Bernard to Lord Shelburne, Boston, September 7, 1767, Bernard Papers VI: 238, HL.

7. Leslie Thomas, “Partisan Politics,” pp. 396–399; Patterson, “Boston Merchants,” pp. 95–96. The committee members included Thomas Cushing, Melatiah Bourn, Samuel Austin, Henderson Inches, Jonathan Williams, Edward Payne, John Ruddock, Joshua Henshaw, Solomon Davis, Joshua Winslow, and John Rowe.

8. Thomas, “Petition Politics,” pp. 399–401; *BG*, November 9 and November 16, 1767; Thomas Hutchinson to Thomas Pownall, Boston, November 10, 1767, MA XXV: 217; Francis Bernard to Lord Shelburne, November 14, 1767, Bernard Papers VI: 252, HL.

9. Cunningham, *Rowe Diary*, pp. 152–153; “Minutes of the Merchants’ Meeting,” March 1, 1768, Ezekiel Price Papers, f. 267–268, MHS; 1771 Boston Tax List, MA CXXXII: 92–147.

10. Samuel Savage to ?, n.p. [March 1768], Samuel Phillips Savage Papers, MHS. The thirteen original nonsubscribers were: Scottish factors Henry Laughton and Jonathan Simpson, Thomas & Elisha Hutchinson (the lieutenant governor’s sons), Lewis DeBlois, William Dennie, Richard Clarke & Sons, James Perkins, Rufus Greene, Theophilus Lillie, John Taylor, James Jackson, commissary general Thomas Hubbard, and John Mein, printer of the *Boston Chronicle*.

11. Francis Bernard to Lord Shelburne, Boston, March 21, 1768, Bernard Papers VI: 293–294, HL.

12. Andrews, “Boston Merchants,” p. 202; Report of the Meeting of Salem Merchants, March 29, 1768, and New York merchants to John Hancock et al., April 13, 1768, both in the Samuel Phillips Savage Papers, MHS; Cunningham, *Rowe Diary*, pp. 160–162.

13. For those who care to investigate further, the relevant accounts of the *Liberty* incident are: William T. Baxter, *The House of Hancock, Business in Boston 1724–1775* (Cambridge: Harvard University Press, 1945), pp. 264–265; Dickerson, *Navigation Acts*, pp. 241–242, 263; Barrow, *Trade and Empire*, pp. 231–232; Ubbelohde, *Vice Admiralty*, pp. 120–126; and Maier, *Resistance to Revolution*, pp. 124–125. One of the most recent and best-balanced accounts is contained in Wroth and

Zobel, *Adams Legal Papers*, II: 179–188. Most of the relevant primary sources have been collected in George G. Wolkins, “The Seizure of John Hancock’s Sloop ‘Liberty,’” *MHS Proceedings*, Third Series, LV (1921–1922): 239–284.

14. Andrews, “Boston Merchants,” p. 204; Cunningham, *Rowe Diary*, pp. 170–171; Schlesinger, *Colonial Merchants*, pp. 120–121; Thomas Hutchinson to ?, Boston, August 8, 1768, MA xxvi: 318–319.

15. Francis Bernard to Lord Hillsborough, Boston, August 9, 1768, Bernard Papers VII: 23–24, HL; *BG*, October 9, 1769; Thomas, “Partisan Politics,” p. 749.

16. Dickerson, *Navigation Acts*, pp. 241–242; Thomas Hutchinson to ?, n.p., November 1768, MA xxvi: 324–325.

17. Cunningham, *Rowe Diary*, p. 177; Andrew Oliver to John Spooner, Boston, October 28, 1768, Gay Transcripts, MHS.

18. Report of the Committee . . . to Examine Importations of Goods From Great Britain, April 27, 1769; and Memorial of George Erving, April 19, 1769, both in Ezekiel Price Papers, f. 40, MHS; *BC*, April 27–May 1, 1769.

19. Francis Bernard to Lord Hillsborough, Boston, May 8, 1769, Bernard Papers VII: 161–162, HL.

20. *Ibid.*; *BEP*, May 8, 1769; Schlesinger, *Colonial Merchants*, p. 159; John Powell to Christopher Champlin, Boston, April 24, 1769, Letters of the Boston Merchants II: 87, BL.

21. Schlesinger, *Colonial Merchants*, p. 161; *BC*, May 25–June 1, 1769; *MG*, June 8, 1769.

22. Francis Bernard to Lord Hillsborough, Boston, July 8, 1769, Bernard Papers VII: 1–2, HL; Thomas Hutchinson to ?, Boston, July 17, 1769, MA xxvi: 359.

23. Cunningham, *Rowe Diary*, p. 190; *BC*, July 27–31, 1769; *Observations on the Several Acts of Parliament* . . . (Boston: Edes & Gill, 1769).

The effort to extend the nonimportation agreement at Boston may have resulted, in some part, from confusion about what form the agreement took in each of the three participating cities. On August 18, Jonathan and John Amory wrote to Thomas Mifflin, their Philadelphia correspondent, in an effort to clear up what they thought might have been a possible misunderstanding by Bostonians in interpreting the Philadelphia agreement. “We observe in your Committees Letter to Dr. Franklin,” they wrote, that the committee intimated “that nothing less than the repeal of all the Revenue Acts will quiet the minds of y^e Americans.” However, “in the Agreement of the Merchants,” the Philadelphians use the word “Acts (in y^e Plural) yet they specify only a Number

of Articles, all of w^{ch} are comprised in one Act.” Mifflin explained in late September that the Philadelphians had thought that “Tea & Glass & were in two distinct Acts,” and that they had not intended to include the Molasses Act or other Revenue Acts, but that they “Probably yet would be taken into Consideration.” When the Amorys passed this information on to the Boston committee, the patriots wrote the Philadelphia merchants urging them to adopt a more comprehensive agreement, but to no avail. Boston stood alone as the only seaport publicly committed to the repeal of all revenue-producing legislation. See Jonathan and John Amory to Thomas Mifflin, Boston, August 18, 1769; Jonathan and John Amory to Samuel Eliot, Boston, September 21, 1769, Amory Papers, BL.

24. *BEP*, August 21, 1769, in Dorr Collection, MHS; *BC* January 11–15, 1770.

25. *BG*, August 14, 1768; Schlesinger, *Colonial Merchants*, pp. 163–164; *BC*, August 14–17, 1769.

26. Thomas Hutchinson to Francis Bernard, n.p., August 11 and August 17, 1769, MA xxvi: 363; *BEP*, August 21, 1769, in Dorr Collection, MHS.

27. Schlesinger, *Colonial Merchants*, p. 160; Andrews, “Boston Merchants,” pp. 227–228; Wroth and Zobel, *Adams Legal Papers* 1: 152–157. See also John E. Alden, “John Mein, Scourge of the Patriots,” *Colonial Society of Massachusetts Publications* xxiv (1937–1942): 571–599.

28. *BC*, August 14–17, 1769.

29. *Ibid.*; *BEP*, August 28, 1769.

30. Jonathan and John Amory to Samuel Eliot, August 18, 1769, Amory Papers, BL; *BC*, August 21–24, 1769.

31. *BC*, August 17–21, 1769.

32. *BEP*, August 28, 1769.

33. *BC*, August 24–28, 1769. A baffled Palfrey later wrote to Hancock’s correspondent George Hayley asking how the five bales of Russian duck came to be declared as linen. William Palfrey to George Hayley, Boston, September 7, 1769, Palfrey Papers, HL.

34. *BC*, September 28–October 2, 1769.

35. *BG*, September 4 and September 11, 1760; *BC*, September 4–7, 1769.

36. *Newport Mercury*, September 4, 1769; John Hancock to Hayley & Hopkins, Boston, September 6, 1769, JH6, Hancock Papers, NEHGS.

37. Minutes of the Merchants’ Meeting, [September 1769?], Ezekiel Price Papers, f. 69, MHS; *BC*, September 21–25 and September 28–October 2, 1769.

38. Thomas Hutchinson to Lord Hillsborough, Boston, Oc-

tober 3, 1769, MA xxvi: 381; *BG*, October 9, 1769, in Dorr Collection, MHS.

39. Cunningham, *Rowe Diary*, p. 193; *BC*, January 22–25, 1770; Thomas Hutchinson to Francis Bernard, Boston, October 4, 1769, MA xxvi: 383; *BG*, October 9, 1769.

40. Thomas Hutchinson to William Palmer, Boston, October 5, 1769, MA xxvi: 386; Thomas Hutchinson to Francis Bernard, Boston, October, 4 and October 5, 1769, MA xxvi: 384.

41. Hutchinson to Bernard, October 4 and October 5, 1769, as in n. 40.

42. Proceedings of the Town Meeting, October 4, 1769, New England Papers III: 37, HL; *BG*, October 9, 1769.

43. *BC*, October 12–16, 1769; *BEP*, October 9, 1769.

44. Thomas Hutchinson to Francis Bernard, October 19, 1769, MA xxvi: 391; George Mason to Joseph Harrison, Boston, October 20, 1769, New England Papers III: 40, HL.

45. Mason to Harrison, October 20, 1769, as in n. 44; *BC*, October 19–23, 1769; *BG*, October 23, 1769.

46. Jonathan and John Amory to Samuel Eliot, Boston, October 21, 1769, Amory Papers, BL. It is interesting to speculate why the Amorys were less fearful than others concerning violations of the nonimportation agreement. The answer may well have to do with their unusual attitude toward new competition. Whereas Hancock and other senior merchants received little more than flattery whenever they provided aspiring shopkeepers with introductions to major London firms in the North American trade and supplied them with recommendations for credit, the Amorys followed another policy when confronted with such requests. Before recommending any lesser merchant for credit, the Amorys regularly purchased a share in his business, £500 or £1,000 worth. Thus they not only increased the ambitious young merchant's stock-in-trade (and prospects for success), but they also assured themselves of an economic stake in the prosperity of some of their rapidly increasing competitors. Therefore, while Hancock had good reason to be alarmed at the proliferating number of merchants doing business in Boston, the Amorys could at least reassure themselves that the success of some of the fledgling merchants would bring them a fat return on their investment. The different policies followed by Hancock and the Amorys may provide an important key in explaining their divergent behavior during the nonimportation controversy. See Jonathan and John Amory to Harrison, Barnard & Sprague, Boston, April 16, 1768, Amory Papers, BL.

47. Thomas Hutchinson to Francis Bernard, October 4 and October 5, 1769, MA xxvi: 386; extract of a letter from Nathaniel Rogers,

Boston, October 25, 1769, New England Papers III: 44, HL; *BEP*, October 16, 1769.

48. Thomas Hutchinson to Francis Bernard, October 27, 1769, MA xxvi: 396.

49. *BG*, October 9, 1769; *BEP*, October 2, 1769; Dirk Hoerder, "Boston Leaders and Boston Crowds," in Alfred Young, ed., *The American Revolution: Explorations in the History of American Radicalism* (DeKalb: University of Northern Illinois Press, 1978), pp. 255–256.

50. Extract of a letter from Boston, October 23, 1769, New England Papers, III: 43; Collector and Comptroller of Customs of Boston to Commissioners of Customs, Boston, October 21, 1769, New England Papers III: 42, HL.

51. *BC*, October 19–23, 1769.

52. *BC*, October 16–19, 1769; *BG*, October 9, 1769; Andrew Oliver to Francis Bernard, Boston, January 10, 1770, Gay Transcripts, MHS.

53. *BC*, October 23–26, 1769.

54. *Ibid.*, Hoerder, *Crowd Action*, p. 206; [John Mein], "Key to a certain Publication," n.d., New England Papers III: 45–47, HL.

55. [Mein], "Key to a certain Publication," pp. 45–47; Cunningham, *Rowe Diary*, p. 193.

56. Cunningham, *Rowe Diary*, pp. 193–194; *BG*, October 30, 1769; George Mason to ?, October 28, 1769, New England Papers III: 47, HL; John Mein to Joseph Harrison, Boston, November 5, 1769, New England Papers III: 51; Alden, "Mein," p. 587; Maier, *Resistance to Revolution*, p. 127.

57. *BG*, November 13 and November 20, 1769; Committee of Merchants at Boston to Salem Merchants, November 10, 1769, New England Papers III: 52, HL; Schlesinger, *Colonial Merchants*, p. 31; Committee of Merchants to Dennys DeBerdt, December 29, 1769, Massachusetts Papers II, MHS.

58. Merchants to DeBerdt, as in n. 57; Thomas Hutchinson to Lord Hillsborough, Boston, December 6, 1769, MA xxvi: 411; Hutchinson to Thomas Pownall, Boston, December 6, 1769, MA xxvi: 413.

Chapter 4

1. Andrew Eliot to Thomas Hollis, Boston, December 25, 1769, 4 MHS *Proceedings* iv: 446–447.

2. *BG*, December 18, 1769; Thomas Pownall to Samuel Cooper, London, September 25, 1769, Bancroft Papers, NYPL; Thomas Hutchinson to ?, Boston, September 11, 1769, MA xxvi: 376.

3. Adams, *Works*, II: 352; Schlesinger, *Colonial Merchants*, pp. 237, 239.

4. *BG*, January 1, 1770; Hoerder, *Crowd Action*, p. 216; *BG*, January 8, 1770.

5. *BG*, January 1, 1770; *BC*, January 11–15, 1770; *MG*, January 11, 1770.

6. *BC*, January 29–February 1, 1770; *BG*, January 22, 1770. A letter in the *Boston Chronicle* claimed that the patriots could be “seen trotting from house to house to engage the master workmen to suffer their journeymen and apprentices to attend at Faneuil Hall.” “The different mechanicks,” the same correspondent alleged, “find it in their interest to proscribe foreign commerce, because they can better disperse of the articles they make at an extravagant price.” *BC*, February 1–5, 1770.

7. Phillips lived in a large three-story house on Beacon Street next door to the Bowdoins and only a short distance from John Hancock. Large mirrors in carved gilt frames and a tapestry of a stag hunt graced his drawing room. From a paved courtyard behind his house, terraces of flowers and fruit trees ascended Beacon Hill, commanding a panoramic view of the harbor. *BC*, January 29–February 1, 1770; *BG*, January 25, 1770, in Dorr Collection, MHS; Journal of Transactions at Boston, January 17, 1770, New England Papers III: 55–56, HL.

8. *BG*, January 22, 1770.

9. Proceedings of the Merchants’ Meeting, January 8 [1770], New England Papers III: 55, HL.

10. Journal of Transactions, January 12 [1770], New England Papers III: 55, HL; Thomas Hutchinson to Francis Bernard, Boston, January 13, 1770, MA xxvi: 431; Cunningham, *Rowe Diary*, p. 196.

11. An undated fragment in Thomas Hutchinson’s hand [January 1770?], MA xxv: 373. One scholar theorizes that small traders like Molineux and sea captains who did importing on the side like Samuel Dashwood played an increasingly important role during the tumultuous events of January 1770, because “they had less room to maneuver than large mercantile firms” (Hoerder, *Crowd Action*, pp. 219–220). What is more likely, however, is that great fortunes and prominent reputations prompted the leading patriots to be more cautious out of fear of legal prosecution, while lesser men like Molineux could afford to give full rein to the passions of the moment.

12. Proceedings of the Merchants’ Meeting, January 18, 1770, New England Papers III: 55, HL; *BC*, January 29–February 1, and January 8–11, 1770; Jonathan Sayward Diary, January 1770, AAS; Nathaniel Rogers to Thomas Hutchinson, Boston, January 19, 1770, MA xxv: 351.

13. Undated Hutchinson fragment [January 1770?] MA xxv: 379; Proceedings of the Merchants' Meeting, January 19, 1770, as in n. 12; *BC*, January 29–February 1, 1770; Thomas Hutchinson to Francis Bernard, Boston, January 27, 1770, MA xxvi: 434.

14. Proceedings of the Merchants' Meeting, January 20 [1770], as in n. 12; Journal of Transactions, as in n. 10; *BG*, January 29, 1770.

15. *BC*, January 29–February 1770; undated Hutchinson fragments as in n. 11 and n. 13; Resolves of the Meeting of Merchants and Traders, January 23, 1770, New England Papers III: 62.

16. Resolves of the Meeting, as in n. 15.

17. Thomas Cushing et al. to Dennys DeBerdt, n.p., January 30, 1770, Massachusetts Papers II, MHS.

18. Thomas Hutchinson to Francis Bernard, Boston, February 18, 1770, MA xxvi: 443–444; "An Account of Transactions at Boston," [March 3, 1770], New England Papers III: 70; Hiller Zobel, *The Boston Massacre* (New York: Norton, 1970), *passim*.

19. "Account of Transactions," as in n. 18; Thomas Hutchinson to Thomas Hood, n.p., February 23, 1770, MA xxvi: 444–445; Thomas Hutchinson to Francis Bernard, n.p., February 28, 1770, MA xxvi: 450; *BG*, February 26, 1770. The customs commissioners later published a statement denying that Richardson had acted under their orders or that he was ever known to them personally. (This is a little difficult to swallow since Charles Paxton, Richardson's former patron, was one of the commissioners.) *BG*, March 5, 1770.

20. *BC*, March 5–8, 1770; undated Hutchinson fragment [March 19, 1770?], MA xxv: 380.

21. Maier, *Resistance to Revolution*, p. 215; "Account of Transactions," [March 1770], New England Papers III: 70, HL.

22. "Account of Transactions" [April 21, 1770], New England Papers III: 76, HL; Thomas Hutchinson to Lord Hillsborough, Boston, April 27, 1770, MA xxv: 391. In a letter to Francis Bernard, Thomas Hutchinson identified the encouraging letter-writer as an M.P. whom Bernard knew used to correspond with Samuel Cooper. Boston, April 19, 1770, MA xxvi: 473. See also Hutchinson to Thomas Whately, Boston, April 30, 1770, MA xxv: 399–400.

23. Hutchinson to Whately, as in n. 22. On the Scottish importers, see: Hayley & Hopkins to John Hancock, November 16, 1769 (received February 7, 1770), BPL; and "An extract from London," *BG*, February 19, 1770. For McMasters and Selkrig, see: Schlesinger, *Colonial Merchants*, pp. 194–195, and "Account of Transactions," as in n. 22. For the committee of tradesmen, see Hutchinson to Whately, as in n. 22; *BG*, May 7, 1770, in Dorr Collection.

24. "Account of Transactions," as in n. 22; Journal of Occur-

rences at Boston [May 4], 1770, New England Papers III: 77; Cunningham, *Rowe Diary*, p. 201.

25. Hutchinson to Hillsborough, April 27, 1770, as in n. 22.

26. *Ibid.*

27. Thomas Hutchinson to Francis Bernard, Boston, April 28, 1770, MA xxv: 396–397; Hutchinson to Thomas Hood, Boston, April 28, 1770, MA xxv: 395.

28. Journal of Occurrences [May 4], 1770, as in n. 24; Thomas Hutchinson to Francis Bernard, n.p., May 3, 1770, MA xxv: 401.

29. Journal of Occurrences [May 4], 1770, as in n. 24; John Hancock to Hayley & Hopkins, Boston, May 18, 1770. JH6, Hancock Papers, NEHGS.

30. Journal of Occurrences [May 4], 1770, as in n. 24.

31. Thomas Hutchinson to John Pownall, Boston, May 18, 1770, MA xxvi: 484; Hutchinson to Lord Hillsborough, Boston, May 18, 1770, MA xxvi: 486; Hutchinson to Francis Bernard, Boston, May 20 and May 23, 1770, MA xxvi: 491.

32. Hutchinson to Bernard, as in n. 31; Samuel Salisbury to Stephen Salisbury, Boston, May 23, 1770, Salisbury Papers, AAS.

33. Hutchinson to Bernard, May 20 and May 23, 1770, as in n. 31.

34. *Ibid.*; Hutchinson to Cadwallader Colden, Boston, June 2, 1770, MA xxvi: 498.

35. Hutchinson to Bernard, as in n. 34; Minutes of the Merchants' Meeting, May 26, 1770, Ezekiel Price Papers, MHS.

36. Andrews, "Boston Merchants," p. 233n.; Schlesinger, *Colonial Merchants*, p. 181; BG, June 11, 1770; Thomas Hutchinson to Francis Bernard, Boston, August, 12, 1770, MA xxvi: 534.

37. Ann Hulton to ?, Castle Island, July 25, 1770, in *Letters of a Loyalist Lady: Being the Letters of Ann Hulton, Sister of Henry Hulton, Commissioner of Customs at Boston, 1767–70* (Cambridge: Harvard University Press, 1927), pp. 26–29; Schlesinger, *Colonial Merchants*, p. 181; BG, June 25, 1770; Adams cited in Maier, *Resistance to Revolution*, p. 138; Petition of James Selkrig to the Selectmen, June 21, 1770, Ms Boston Town Papers, VII: 254, BPL.

38. Schlesinger, *Colonial Merchants*, p. 178; John Hancock to Thomas Longman, Boston, May 18, 1770, JH6, Hancock Papers, NEHGS; Longman to Hancock, London, June 20, 1770, BPL. For another view, see "John Hancock," in Shipton, *Sibley's Harvard Graduates*, XIII: 423.

39. BEP, July 7, 1770. For the percentage of Boston merchants in favor of reopening trade, see: Samuel Prince to ? [Boston], July 28, 1770, Miscellaneous Bound Mss., MHS; Ann Hulton to ?, July 25,

1770, as in n. 37; Thomas Hutchinson to Francis Bernard, Boston, July 26, 1770, MA xxvi: 523.

40. Samuel Prince to ?, July 28, 1770, as in n. 39; Cunningham, *Rowe Diary*, pp. 204–205; *BEP*, July 30, 1770; Andrews, “Boston Merchants,” pp. 246–248.

41. *BG*, August 6 supplement, 1770.

42. *Ibid.*

43. *Ibid.*

44. *BG*, August 27, 1770.

45. Labaree, *Boston Tea Party*, p. 20.

46. Thomas Hutchinson to ?, Boston, February ?, 1770, MA xxvi: 439.

47. On the defection of the younger Ervings, see Thomas Hutchinson to Francis Bernard, Boston, June 26, 1770, MA xxvi: 514.

48. Andrews, “Boston Merchants,” p. 229n; PRO Treasury 1/478, f. 480.

49. *BG*, August 13 and August 20, 1770.

50. *BG*, September 3, 1770.

51. *Ibid.*

52. *BG*, September 10, 1770.

53. Cunningham, *Rowe Diary*, pp. 206–207; William Bant to Jackson & Bromfield [Boston], September 13, 1770, Lee-Cabot Papers, MHS.

54. Bant to Jackson & Bromfield, as in n. 53; *BG*, September 17, 1770, in Dorr Collection, MHS.

55. *BG*, October 15, 1770; Cunningham, *Rowe Diary*, p. 208; Andrews, “Boston Merchants,” p. 254.

56. Samuel Cooper to Thomas Pownall, Boston, October 12 and November 5, 1770, Bancroft Papers, NYPL; Bowdoin quoted in Andrews, “Boston Merchants,” p. 258; Andrew Eliot to Thomas Hollis, Boston, January 26, 1771, 4 MHS *Collections* iv: 457.

57. The sources for Loyalists and patriots are the same as in n. 16 of the Introduction.

58. Non-native Loyalists are designated in a list of Addressers to Hutchinson and Protestors Against the Solemn League and Covenant, printed in MHS *Proceedings*, First Series, xi (October 1870), 392–394. See also the records of the Scots Charitable Society in the Lemuel Shaw Papers, MHS.

Chapter 5

1. Mayo, Hutchinson's *History*, III: 251–252.

2. Thomas Hutchinson to Thomas Whately, Boston, October

3, 1770, MA xxvii: 21; Andrew Oliver to Thomas Whately, May 15, 1771, Gay Transcripts, MHS; Thomas Hutchinson to Lord Dartmouth in a letter not sent, n.p., n.d., MA xxvii: 490; Thomas Hutchinson to ?, Boston, August 27, 1772, MA xxvii: 379–380; and Mayo, Hutchinson's *History*, III: 267–268.

3. Andrew Eliot to Thomas Hollis, December 25, 1769, 4 MHS *Collections* IV: 447; Thomas Hutchinson to ?, Boston, September 30, 1771, MA xxvii: 236.

4. Shipton, *Sibley's Harvard Graduates*, XIII: 423–425; Thomas Hutchinson to ?, Boston, June 5, 1771, MA xxvii: 180; Hutchinson to Thomas Gage, Boston, December 1, 1771, MA xxvii: 258; Andrew Oliver to James Gambier, Boston, May 8, 1772, Gay Transcripts, MHS; Thomas Hutchinson to Francis Bernard in a letter not sent, Boston, May 29, 1772, MA xxvii: 340–341. See also Mayo, Hutchinson's *History*, III: 249, 277, and Stephen Patterson, *Political Parties in Revolutionary Massachusetts* (Madison: University of Wisconsin Press, 1973), p. 71.

5. Otis cited in Waters, *Otis Family*, p. 179. On the desertion of the Ervings, see Thomas Hutchinson to Francis Bernard, Boston, September 28, 1770, MA xxvii: 6. Concerning the exclusivity of the merchants, see Hoerder, *Crowd Action*, p. 248.

6. Schlesinger, *Colonial Merchants*, pp. 257, 283; MG, November 12, 1772; Mayo, Hutchinson's *History*, III: 263.

7. John Hancock to Harrison & Ansley, Boston, November 14, 1771, and John Hancock to Henry Crueger, Jr., Boston, December 12, 1771, both in JH6, Hancock Papers, NEHGS.

8. See "An American" (whom Harbottle Dorr identifies as Ward) in BG, January 6, 1772, MHS.

9. MG, January 9, 1772. Judging from the Artemas Ward–Chronus exchange, Gary Nash and William Pencak have the sides reversed when they portray Loyalists as defenders of self-interest and the new world of capitalist relations. Such language was more characteristic of their patriot opponents, and the behavior of the smugglers clearly suggests that the liberated pursuit of self-interest was congenial with patriot rhetoric. See on the one hand Nash's *Urban Crucible*, pp. 340–341, and William Pencak, *War, Politics & Revolution in Provincial Massachusetts* (Boston: Northeastern University Press, 1981), p. 218, and on the other, Janice Potter, *The Liberty We Seek: Loyalist Ideology in Colonial New York and Massachusetts* (Cambridge: Harvard University Press, 1983), pp. 47–55.

10. BG, January 20 and January 27, 1772.

11. L. Kinvin Wroth, "The Massachusetts Vice-Admiralty Court," in George A. Billias, ed., *Law and Authority in Colonial America* (Barre, Mass.: Barre Publishers, 1965), p. 56; Cunningham, *Rowe Diary*, p. 217.

12. *BG*, January 7, 1770.
13. [John Mein], *Sagittarius's Letters and Political Speculations Extracted from the Public Ledger* (Boston: Printed by the Selectmen, 1775), pp. 84–86.
14. *Ibid.*, pp. 3, 12.
15. Joseph Ernst, "Ideology and an Economic Interpretation of the Revolution," in Young, *American Revolution*, pp. 162–163; Richard B. Sheridan, "The British Credit Crisis of 1772 and the American Colonies," *Journal of Economic History* xx (1960): 162, 171.
16. George Peacock to William Palfrey [London], n.d. but received June 22, 1772, Palfrey Family Papers, HL.
17. *BG*, August 17, September 7, September 21, and October 26, 1772; Sheridan, "Credit Crisis," pp. 166–167, 169; Henry Crueger to William Palfrey, Bristol, August 10, 1772, Palfrey Papers, HL; John Hancock to Crueger & Mallard, Boston, November 5, 1772, JH6, Hancock Papers, NEHGS; Jonathan & John Amory to Harrison & Ansley, n.p., June 14, 1773, Amory Papers, BL.
18. [Mein], *Sagittarius's Letters*, pp. 6–7, 20.
19. MA CXX: 358–360, 648; *MG*, March 4, 1773; "Letters of John Andrews," *MHS Proceedings* vii: 322–323.
20. Thomas Hutchinson to John Pownall, Boston, March 27, 1773, MA xxvii: 474; Thomas Hutchinson to Lords of Trade, Boston, March 26, 1773, MA xxvii: 423.
21. *MG*, April 8, 1773. For an estimate of the number of auctioneers active in Boston at this time, see the subscription of those willing not to vend any goods imported contrary to the nonimportation agreement, August 14, 1769 in Miscellaneous Bound Papers, MHS. For figures on Loyalists and patriots, see the introduction.
22. Advertisement of Joseph Turrell, *BEP*, March 17, 1766; Petition against Auctions, May 31, 1773, MA CXX: 719–721; Report of the Committee on Auctions, June 15, 1773, MA CXX: 726–729; "An Act in addition to the Act to limit the number of Auctioneers," June 22, 1773, MA CXX: 730–732. See also the advertisements of authorized auctioneers, *BG*, August 16, 1773.
23. "The Memorial of Isaac Smith & others, a Committee of Merchants trading in British goods in the Town of Boston . . .," February 3, 1774, MA CXX: 733–734.
24. "The Answer of the Auctioneers . . . to the Memorial of the Importers of British Goods . . .," March 8, 1774, MA CXX: 735–743.
25. *Ibid.*
26. *Ibid.*
27. *Ibid.*

28. *Ibid.*; *MG*, July 7, 1774. Although the auctioneers were certainly responsible for lowering prices, consumers probably did not come to the auctioneers' defense for two reasons. First, at that time most individuals did not purchase goods at auctions themselves, but rather bought from shopkeepers who frequented the sales. Thus they were not directly involved in the issue and may not have realized what was at stake. Second, in Boston, the battle between the auctioneers and their opponents was carried on almost exclusively by petitions and counter-petitions in the General Court. Little of the controversy spilled over into the newspapers. Therefore the public may not have been aware of what was happening.

For other instances of public outcry against auctioneers, see Jensen, *Maritime Commerce*, pp. 123–124, and Ernst and Egnal, "Economic Interpretation," pp. 15–16.

29. Labaree, *Boston Tea Party*, pp. 13, 20–21.

30. Thomas Hutchinson to Thomas Whately, Boston, October 30, 1770, MA xxvii: 11–12; Hutchinson to Richard Jackson, Boston, October 15, 1770, MA xxvii: 24; Hutchinson to William Palmer, Boston, November 3, 1770, MA xxvii: 49; Schlesinger, *Colonial Merchants*, pp. 246–247; Labaree, *Boston Tea Party*, p. 32; Andrew Oliver to Abraham Dupuis, Boston, May 13, 1771, Gay Transcripts, MHS.

31. Thomas Hutchinson to William Palmer, Boston, July 11, 1771, MA xxvii: 203; Hutchinson to Lord Hillsborough, Boston, September 10, 1771, MA xxvii: 225–226; Hutchinson to [William Palmer], July 24, 1771, MA xxvii: 206–207.

32. Thomas Hutchinson to Lord Hillsborough, Boston, August 25, 1771, MA xxvii: 219; Schlesinger, *Colonial Merchants*, p. 249.

Benjamin Labaree's oft-quoted calculation that three-quarters of the tea consumed between 1760 and 1766 was illegally imported rests on the assumption that coffee drinking directly displaced the consumption of tea in the 1790s. Yet we also know that soon after the period of Labaree's study, continental European trade with China increased nearly 70 percent, adding even greater opportunities for smuggling. Such estimates take on even greater significance when we remember that legal imports of tea (which by all accounts were paltry) rated fourth in value behind linen, woolens, and ironware among the colonial imports of Great Britain. The tea trade offered illegal profits on a massive scale. See Labaree, *Boston Tea Party*, p. 8; Hoh-cheung Mui and Lorna H. Mui, "Smuggling and the British Tea Trade before 1784," *American Historical Review* LXXIV (1968–1969): 53.

33. Thomas Hutchinson to Lord Hillsborough, September 10, 1771, MA xviii: 225–226; Hutchinson to William Palmer, Septem-

ber 11, 1772, MA xxvii: 388–389. On the smuggling of Dutch tea via New York, see Thomas Hutchinson to William Palmer, April 11, 1772, MA xxvii: 317, and Labaree, *Boston Tea Party*, p. 12. For the nature of Henry Lloyd's business and family connections at New York, see Harrington, *New York Merchants*, p. 211.

34. Thomas Hutchinson to William Palmer, n.p., September 27, 1771, MA xxvii: 234.

35. See Malcolm Freiberg's manuscript notation on the MHS transcript of the Hutchinson letter cited in n. 34. For Cooper's involvement in the Dutch trade, see the agreement of Melatiah Bourn and Timothy Fitch with William Cooper, March 10, 1757, Bourn Papers i: 72, HL.

36. *Massachusetts Spy*, September 26, 1771; policy #2260, Ezekiel Price Insurance Papers, BA; Adams, *Diary*, i: 294–295.

37. Thomas Hutchinson to William Palmer, Boston, April 29, 1771, MA xxvii: 157; Labaree, *Boston Tea Party*, p. 6; Hutchinson to William Palmer, Boston, February 25, 1773, MA xxvii: 460; Hutchinson to Lord Hillsborough, August 25, 1771, MA xviii: 219.

38. Labaree, *Boston Tea Party*, pp. 61, 76, 78; Schlesinger, *Colonial Merchants*, pp. 250, 262–263.

39. Thomas Hutchinson to William Palmer, Boston, April 21, 1773, MA xxvii: 483; *MG*, September 17, 1772, and October 14 supplement, 1773; *BG*, October 18, 1773.

40. Mayo, Hutchinson's *History*, iii: 303; request for a special merchants' meeting, signed by James Pitts, November 8, 1773, Ezekiel Price Papers, f. 295, MHS.

41. *Massachusetts Spy*, October 14, 1773; *BG*, November 1, 1773.

42. *BG*, November 22, 1773. Subsequent historians have hotly debated the importance of the anti-monopoly argument as a component of colonial opposition to the Tea Act. Arthur Schlesinger viewed it as a deeply held belief and an integral part of the campaign. William S. Sachs denied Schlesinger's contention in his study of North American commerce on the eve of the Revolution, arguing that the East India Company had always held a monopoly over the tea trade, that only British middlemen were eliminated by the new provisions of the Tea Act, that Schlesinger offered no proof that the East India Company intended to sell retail (the only way American wholesalers might be hurt), and that not a single American merchant had ever complained of "monopoly" in business correspondence Sachs had seen. Arthur Jensen later concurred with this last judgment, and Sachs's views had eventually achieved the status of dogma by the time Benjamin Labaree also deemphasized the

role of anti-monopolistic rhetoric in his painstaking account of the Boston Tea Party. Although I have not been able to unearth any new business correspondence with startling condemnations of the monopolistic intent of the Tea Act, even the most cursory reading of the newspapers supports Schlesinger's contention that such rhetoric was an important part of the patriot campaign to mobilize public opposition. The threat to Dutch smugglers and legal traders was surely real enough. What better way could the smugglers have of making their problems part of the general public concern than by convincing others that the Tea Act set a dangerous precedent for government-sponsored monopolies? Hence the anti-monopoly argument may have been both the articulation of a genuine fear of the merchants themselves (or at least a substantial part of them) and a propaganda device to divert the consumers' attention from the reduced prices the Tea Act would bring. See Schlesinger, *Colonial Merchants*, p. 268; Sachs, "Business Outlook," p. 224n; Jensen, *Maritime Commerce*, p. 205; Labaree, *Boston Tea Party*, p. 96.

43. *BEP*, October 25, 1773.

44. *BG*, November 1, 1773.

45. "British factor" cited in Schlesinger, *Colonial Merchants*, pp. 266–267; Robert Francis Oaks, "Philadelphia Merchants and the American Revolution, 1765–1776" (unpublished Ph.D. dissertation, University of Southern California, 1970), p. 112; Roger James Champagne, "The Sons of Liberty and the Aristocracy in New York Politics, 1765–1790" (unpublished Ph.D. dissertation, University of Wisconsin, 1960), p. 296; L. H. Butterfield, ed., *The Diary and Autobiography of John Adams* (Cambridge, Mass.: Belknap Press, 1961), I: 351.

46. *BG*, November 1, December 20, 1773.

47. [Mein], *Sagittarius's Letters*, pp. 9, 58; Thomas Hutchinson to Lord Hillsborough, Boston, April 19, 1771, MA xxvii: 151.

48. *MGBP*, January 2, 1775.

49. *Ibid.*

50. *Ibid.*

51. Labaree, *Boston Tea Party*, pp. 171, 177; Thomas Hutchinson to William Tryon, Boston, November 11, 1773, MA xxv: 559; "Proceedings of the North End Caucus," in E. H. Goss, *The Life of Colonel Paul Revere* (Boston: J. G. Cupples, 1891), II: 635, 641–642.

52. "Narrative [of the Boston Tea Party]," [1774?], New England Papers viii: 229, HL; *MG*, November 4, 1773;

53. *BG*, November 8, 1773.

54. *Ibid.*; James H. Stark, *The Loyalists of Massachusetts and the Other Side of the American Revolution* (Boston: privately printed, 1910), p. 406; see "Richard Clarke," in Shipton, *Sibley's Harvard Graduates*, viii: 555–556.

55. *MG*, November 11, 1773.

56. *Ibid.*

57. “Narrative,” as in n. 52; Labaree, *Boston Tea Party*, pp. 113–114.

58. Labaree, *Boston Tea Party*, pp. 113–114; Mayo, Hutchinson’s *History*, III; 305.

59. Mayo, Hutchinson’s *History*, III: 305; Thomas Hutchinson to William Tryon, Boston, November 21, 1773, MA XXVII: 572; response of the Council printed in *BG*, December 27, 1773; Hutchinson to Lord Dartmouth, Boston, November 15, 1773, MA XXVII: 570–571.

60. “Narrative,” as in n. 52; Labaree, *Boston Tea Party*, pp. 118–120.

61. “Narrative,” as in n. 52.

62. *Ibid.*; *BG*, December 6, 1773; *MG*, December 9, 1773; Thomas Hutchinson to William Palmer, Boston, December 9, 1773, MA XXVII: 584–585.

63. Thomas Hutchinson to William Tryon, December 1, 1773, MA XXVII: 576; Hutchinson to ?, Milton, November 24, 1773, MA XXVII: 575; Winthrop Sargent, ed., “The Letters of John Andrews, 1772–1776,” 1 *MHS Proceedings* VIII: 324–325.

64. *MG*, December 23, 1773; Thomas Hutchinson to Lord Dartmouth, Boston, December 14, 1773, MA XXVII: 586–587; Labaree, *Boston Tea Party*, pp. 140–141.

65. *Ibid.*

66. Samuel Cooper to Benjamin Franklin, Boston, December 17, 1773, 4 *MHS Collections* IV: 387; Thomas Hutchinson to Israel Mauduit, Boston, December, 1773, MA XXVII: 604; John Scollay to Arthur Lee, 4 *MHS Collections* IV: 380–381; Labaree, *Boston Tea Party*, pp. 142–143; Schlesinger, *Colonial Merchants*, p. 289.

67. Schlesinger, *Colonial Merchants*, p. 289.

68. John Hancock to Hayley & Hopkins, Boston, December 21, 1773, JH6, Hancock Papers, NEHGS; Cunningham, *Rowe Diary*, pp. 257–258; Thomas Hutchinson to ?, Boston, December 7, 1773, MA XXVII: 582; John Powell to Christopher Champlin, January 11, 1773, Letters of the Boston Merchants, BL; Mayo, Hutchinson’s *History*, pp. 308–309n.

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70. William Palfrey to Abram Lott, n.p., December 1773, Palfrey to Samuel Broome, n.p., January 13, 1774, Broome to Palfrey, New

York, January 22, 1774, Palfrey to Broome, Boston, March 14, 1774, all in the Palfrey Papers, HL; *MG*, March 10, 1774; *BG*, March 14, 1774.

71. William Palfrey to Samuel Broome, January 13, 1774, Palfrey to Thomas Mifflin, January 14, 1774, Palfrey Papers, HL; Samuel Adams to Arthur Lee, Boston, April 4, 1774, in H. A. Cushing, ed., *The Writings of Samuel Adams* (New York: G. P. Putnam's Sons, 1904–1908), III: 100; Henry Bromfield to Thomas Bromfield, Boston, March 24, 1774, Bromfield Papers, MHS.

Chapter 6

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2. *MG*, April 21, 1774; Mayo, Hutchinson's *History*, III: 328; "The Letters of Richard Lechmere, 1774," 2 *MHS Proceedings* XVI: 285–286; Henry Crueger to William Palfrey, New York, March 25, 1774, Palfrey Papers, HL.

3. *MG*, May 12, 1774; Circular Letter of the Boston Committee of Correspondence, May 13, 1774, Bancroft Papers, NYPL.

4. Henry Bromfield to Flight & Halliday [Boston], May 18, 1774, Bromfield Papers, MHS.

5. Samuel Adams to William Checkley, Boston, June 1, 1774, in Cushing, *Adams Writings*, III: 127–129; *MG*, May 19, 1774; "Letters of John Andrews," 1 *MHS Proceedings* VIII: 329; William Palfrey to Henry Crueger, Boston, May 18, 1774, Palfrey Papers, HL.

6. Harrison Gray, *The Two Congresses Cut Up, or a Few Remarks upon some of the Votes and Resolutions of the Continental Congress . . . and the Provincial Congress* (Boston: Draper, 1774), pp. 4–5.

7. "Andrews Letters," VIII: 327; "Lechmere Letters," pp. 286–287.

8. Boston Committee of Correspondence to Marblehead Committee of Correspondence, Boston, May 22, 1774, in Cushing, *Adams Writings*, III: 121–122, *MG*, June 2, 1774.

9. *MGBP*, January 2, 1775; "A List of Addressers and Protestors," 1 *MHS Proceedings* XI: 393–395.

10. *MGBP*, January 2, 1775; Samuel Adams to Charles Thomson, Boston, May 30, 1774, in Cushing, *Adams Writings*, III: 124; *BG*, July 4, 1774.

11. Samuel Phillips Savage to Wemsley Hobby, Middletown, May 26, 1774, Savage Papers, MHS.

12. *MG*, June 2 and June 9, 1774; Boston Committee of Corre-

spondence to New York Committee of Correspondence, May 30, 1774, and Boston Committee of Correspondence to New York Committee of Correspondence, May 28, 1774, both in Bancroft Papers, NYPL.

13. Schlesinger, *Colonial Merchants*, pp. 318–319; Minutes of the Boston Committee of Correspondence, June 2, 1774, Bancroft Papers, NYPL; Samuel Adams to Charles Thomson, May 30, 1774, as in n. 10; Benjamin Woods Labaree, *Colonial Massachusetts: A History* (Millwood, N.Y.: KTO Press, 1979), p. 264.

14. *BG*, June 13, 1774; “Andrews Letters,” VIII: 329; Gray, *Two Congresses*, pp. 6–7.

15. *MG*, June 16, 1774.

16. *MG*, June 23, 1774.

17. *Ibid.*

18. *BG*, June 27, 1774.

19. *MG*, June 30, 1774; *BG*, July 4, 1774; Schlesinger, *Colonial Merchants*, pp. 322–323; Patterson, *Political Parties*, p. 84.

20. *MG*, July 7, 1774.

21. *Ibid.*

22. “Andrews Letters,” VIII: 330–331.

23. *BEP*, July 18, 1774.

24. Minutes of the Boston Committee of Correspondence, July 5, 1774, Bancroft Papers, NYPL; *MG*, June 30, 1774; Samuel Phillips Savage to ?, July 1, 1774, Savage Papers, MHS.

25. Schlesinger, *Colonial Merchants*, pp. 309, 359; both Patterson, *Political Parties*, pp. 75, 88, and Jensen, *Maritime Commerce*, p. 213, advance arguments similar to Schlesinger’s.

26. *MG*, August 11, 1774.

27. Thomas Gage to Lord Dartmouth, Salem, July 27, 1774, and Gage to Dartmouth, Salem, August 25, 1774, in Clarence E. Carter, ed., *The Correspondence of General Thomas Gage and the Secretaries of State, 1763–1775* (New Haven: Yale University Press, 1931–1933), I: 363–364; Richard Lechmere to Lane, Son, & Fraser, Boston, September 28, 1774, Miscellaneous Bound Papers, MHS.

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29. *Massachusetts Spy*, August 25, 1774; Schlesinger, *Colonial Merchants*, pp. 312–403.

30. *BEP*, September 5 supplement, 1774.

31. *BG*, July 15, 1774; Schlesinger, *Colonial Merchants*, pp. 399, 410, 416, 420.

32. *BG*, November 7, 1774; Schlesinger, *Colonial Merchants*, pp. 425–428.

33. Schlesinger, *Colonial Merchants*, pp. 425–428.
34. *Boston Town Records, 1770–1777*, pp. 205–207. Cf. Schlesinger, *Colonial Merchants*, p. 432.
35. Manuscript Large, April 18, 1775, MHS; Schlesinger, *Colonial Merchants*, p. 441.
36. Henry Bromfield to Flight & Halliday [Boston], November 3, 1774, Bromfield Papers, MHS; Christopher Champlin to George Hayley, November 24, 1774, cited in Richard Henry Rudolph, "The Merchants of Newport, Rhode Island, 1763–1786," (unpublished Ph.D. dissertation, University of Connecticut, 1975), p. 219; *MG*, March 23, 1775; *BG*, April 3, 1774.
37. "Andrews Letters," VIII: 344; Henry Bromfield to Thomas Bromfield [Boston], January 25, 1775, Bromfield Papers, MHS.
38. Samuel Phillips Savage Diary, April 19, 1775, Savage Papers, MHS.
39. *MG*, March 2, 1775.
40. *EG*, March 24, 1776. (During the siege of Boston, the publishers of the *Boston Gazette* moved to Salem, where they began printing the *Essex Gazette*.)
41. Minutes of the Town Meeting, April 22, 1775, Miscellaneous Bound Manuscripts, MHS; *EG*, May 25, 1775, in Dorr Collection, MHS; Thomas Gage to Lord Dartmouth, "At Sea," October 15, 1775; Carter, *Gage Correspondence*, I: 422.
42. *EG*, May 25, June 1, and October 5, 1775.
43. Thomas Gage to Lord Dartmouth, Boston, July 24, 1775; Carter, *Gage Correspondence*, I: 410.
44. Schlesinger, *Colonial Merchants*, pp. 538–548.
45. *MGBP*, February 9 and June 1, 1775; Schlesinger, *Colonial Merchants*, pp. 538–540; *EG*, June 15, August 31, and November 13, 1775.
46. Schlesinger, *Colonial Merchants*, pp. 565–567.
47. Lawrence Henry Gipson, *The Triumphant Empire* (New York: Alfred Knopf, [1965], 1967), XII: 346–349.

Epilogue

1. 2 MHS *Proceedings* v: 14.
2. Cf. Pencak, *War, Politics, & Revolution*, p. 201.
3. Cf. Thomas M. Doerflinger, "Philadelphia Merchants and the Logic of Moderation," *William and Mary Quarterly*, Third Series, XL (April 1983): 214–217.

4. Ibid., pp. 198, 201–202, 225; and Richard A. Ryerson, *The Revolution Is Now Begun: The Radical Committees of Philadelphia 1765–1776* (Philadelphia: University of Pennsylvania Press, 1978), chap. 8. Unfortunately, the only comparable study of New York merchants—Robert M. Dructor, “The New York Commercial Community: The Revolutionary Experience” (unpublished Ph.D. dissertation, University of Pittsburgh, 1975)—does not begin to match the Philadelphia studies in depth and sophistication. Dructor’s study is riddled with definitional problems that mix merchants and shopkeepers and confuse Loyalists with anyone who remained in the city during the British occupation. Thus statistical comparison with either Boston or Philadelphia merchants becomes meaningless. Dructor also identifies areas of a merchant’s business specialty almost exclusively by advertising, which seems an obvious shortcoming. A merchant did not necessarily import all the goods he had for sale, nor does the advertising of a single item necessarily mean that that trade constituted a major part of his business.

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